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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-SEVENTH SESSION

(19 March - 27 April 2001)

PART I*

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I. Draft decisions recommended for adoption by the Economic and Social Council

1. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/3 of 6 April 2001, endorses the Commission's decision, in accordance with General Assembly resolution 55/86 of 4 December 2000, to renew for a period of three years the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination.

[See chap. II, sect. A, resolution 2001/3,
and chap. V.]

2. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/5 of 18 April 2001, approves the Commission's recommendation that the General Assembly request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and to earmark adequate resources to finance the activities of the Programme.

The Council also approves the Commission's requests to the United Nations High Commissioner for Human Rights:

(*a*) To continue to undertake research and consultations on the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

(*b*) To provide, insofar as possible, non-governmental organizations with technical assistance for the holding of a forum before and partly during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(*c*) To explore ways and means of effectively involving all parliaments to participate actively in the preparation of the World Conference through the relevant international organizations.

The Council further approves the Commission's recommendations that:

(*a*) The issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the reservations thereto, and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(*b*) A gender-based approach be systematically adopted throughout the preparations for and in the outcome of the World Conference;

(*c*) The particular situation of children and young people receive special attention during the preparations for and during the World Conference itself, and especially in its outcome;

(*d*) The particular situation of indigenous people receive special attention during the preparations for and during the World Conference, and especially in its outcome;

(*e*) Special attention be accorded during the preparations for and during the World Conference, and especially in its outcome, to the particular situation of migrants.

[See chap. II, sect. A, resolution 2001/5,
and chap. VI.]

3. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/7 of 18 April 2001, approves the Commission's request to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, acting as a monitoring mechanism, to follow up on the implementation of the recommendations contained in the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114) and those contained in the report of the Human Rights Inquiry Commission (E/CN.4/2001/121), and to submit reports thereon to the General Assembly at its fifty-sixth session and the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/7,
and chap. VIII.]

4. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/9 of 18 April 2001, endorses the Commission's decisions, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, and based on the established practice of the Commission:

(*a*) To extend the mandate of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development for a further year;

(*b*) To extend the mandate of the independent expert on the right to development for three years.

The Council also approves the Commission's requests to:

(*a*) The independent expert to prepare, in consultation with all relevant United Nations agencies and the Bretton Woods institutions, a preliminary study on the impact of the international economic and financial issues on the enjoyment of human rights, starting by analysing the existing efforts and means of assessing and evaluating such an impact, for consideration by the Working Group on the Right to Development at its future sessions;

(*b*) The Office of the United Nations High Commissioner for Human Rights, the United Nations specialized agencies, United Nations funds and programmes, the international financial institutions and other relevant actors to collaborate with the independent expert in the fulfilment of his mandate;

(*c*) The Working Group on the Right to Development as well as the independent expert, to consider, as appropriate, the relevant economic and developmental outcomes of the international conferences, *inter alia*, the South Summit of the Group of Seventy-Seven and the follow-up thereto, in elaborating their recommendations for the implementation of the right to development.

[See chap. II, sect. A, resolution 2001/9,
and chap. VII.]

5. Human rights situation of the Lebanese detainees in Israel

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/10 of 18 April 2001, approves the Commission's requests to the Secretary-General:

(*a*) To bring Commission resolution 2001/10 to the attention of the Government of Israel and to call upon it to comply with its provisions;

(*b*) To report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 2001/10,
and chap. IX.]

6. Situation of human rights in parts of South-Eastern Europe

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/12 of 18 April 2001, approves the decisions of the Commission:

(*a*) To request the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia; in reporting on the human rights situation in Kosovo, the Special Representative should:

(i) Consult closely with the international civilian presence, particularly representatives of the Organization for Security and Cooperation in Europe;

(ii) Closely monitor the situation, paying particular attention to those areas that remain a source of concern, including cooperation with the International Criminal Tribunal for the Former Yugoslavia, the release of unjustly detained prisoners, including Kosovar Albanians, the identification of persons missing as a result of conflict, the protection of minorities, trafficking in persons and the right of return of refugees and internally displaced persons;

(iii) Cooperate closely with the United Nations High Commissioner for Human Rights offices in Belgrade and Sarajevo and with her Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia to avoid duplication of effort;

(*b*) To request the Special Representative to submit an interim report on his/her findings to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/12,
and chap. IX.]

7. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/13 of 18 April 2001, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for a further year, and approves its request to the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session.

The Council also approves the Commission's requests to:

(*a*) The Special Rapporteur to continue to pay special attention to the human rights of women and children and incorporate fully a gender perspective in his report to the Commission at its fifty-eighth session;

(*b*) The Secretary-General to give all necessary assistance to the Special Rapporteur and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(*c*) The United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations in the field.

[See chap. II, sect. A, resolution 2001/13,
and chap. IX.]

8. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/14 of 18 April 2001, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 2001/14,
and chap. IX.]

9. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/15 of 18 April 2001, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 55/112 and of Commission resolution 2001/15;

(*c*) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar.

[See chap. II, sect. A, resolution 2001/15,
and chap. IX.]

10. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/17 of 20 April 2001, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and its request to the Special Representative to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and also to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 2001/17,
and chap. IX.]

11. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/18 of 20 April 2001, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process.

[See chap. II, sect. A, resolution 2001/18,
and chap. IX.]

12. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/19 of 20 April 2001, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request him to submit an interim report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced and Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the most recent and in previous reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/19,
and chap. IX.]

13. Situation of human rights in Sierra Leone

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/20 of 20 April 2001, endorses the Commission's decisions:

(*a*) To reiterate its request that the United Nations High Commissioner for Human Rights and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;

(*b*) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court for Sierra Leone, in particular to judicial, prosecutorial and protection personnel;

(*c*) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including ensuring that the Section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(*d*) To request the High Commissioner to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to reports from the Mission.

[See chap. II, sect. A, resolution 2001/20,
and chap. IX.]

14. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/21 of 20 April 2001, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for a further year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-sixth session and report to the Commission at its fifty-eighth session, giving her work a gender-specific dimension.

[See chap. II, sect. A, resolution 2001/21,
and chap. IX.]

15. Situation in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/22 of 20 April 2001, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for a further year in order to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government of Equatorial Guinea and, in particular, to assist the Office of the United Nations High Commissioner for Human Rights and the Government to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human rights, to verify on behalf of the Commission that technical assistance provided to Equatorial Guinea supports its national plan of action on human rights, and to report to the Commission at its fifty-eighth session.

The Council also approves the Commission's request to the Secretary-General to provide the Special Representative with such financial assistance as he may require to discharge his mandate.

[See chap. II, sect. A, resolution 2001/22,
and chap. IX.]

16. Situation in the Republic of Chechnya of the Russian Federation

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/24 of 20 April 2001, approves the Commission's request to the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-eighth session on the implementation of Commission resolution 2001/24 and to keep the General Assembly informed of further developments as appropriate.

[See chap. II, sect. A, resolution 2001/24,
and chap. IX.]

17. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/25 of 20 April 2001, approves the Commission's requests to the Special Rapporteur on the right to food:

(*a*) To pay attention, in discharging his mandate, to the issue of drinking water, taking into account the interdependence of this issue and the right to food;

(*b*) To contribute effectively to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit by submitting to the United Nations High Commissioner for Human Rights his recommendations on all aspects of the right to food;

(*c*) To mainstream a gender perspective in the activities relating to his mandate;

(*d*) To submit a preliminary report to the General Assembly at its fifty-sixth session and a final report on the implementation of resolution 2001/25 to the Commission at its fifty-eighth session.

The Council also endorses the Commission's recommendation that the High Commissioner organize a fourth expert consultation on the right to food, with focus on the realization of this right as part of strategies and policies for the eradication of poverty, inviting experts from all regions.

[See chap. II, sect. A, resolution 2001/25,
and chap. X.]

18. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/27 of 20 April 2001, authorizes the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-eighth session of the Commission with the mandate to: (*a*) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions; and (*b*) report to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/27,
and chap. X.]

19. The right to education

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/29 of 20 April 2001, endorses the Commission's decision to renew, for a period of three years the mandate of the Special Rapporteur on the right to education, and the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of her mandate.

[See chap. II, sect. A, resolution 2001/29,
and chap. X.]

20. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/30 of 20 April 2001, endorses the Commission's decision to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, *inter alia*, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/1997/22-E/C.12/1996/6, annex IV), the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the Covenant, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the Covenant.

[See chap. II, sect. A, resolution 2001/30,
and chap. X.]

21. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/35 of 23 April 2001, endorses the Commission's decision to renew the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights for a further period of three years.

[See chap. II, sect. A, resolution 2001/35,
and chap. X.]

22. Continuing dialogue on measures to promote and consolidate democracy

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/41 of 23 April 2001, approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights to organize an expert seminar to examine the interdependence between democracy and human rights, to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations.

[See chap. II, sect. A, resolution 2001/41,
and chap. XI.]

23. Elimination of all forms of religious intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/42 of 23 April 2001, endorses the Commission's decisions:

(*a*) To extend for three years the mandate of the Special Rapporteur on religious intolerance, with the new title of Special Rapporteur on freedom of religion or belief;

(*b*) To request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/42,
and chap. XI.]

24. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/44 of 23 April 2001:

(*a*) Authorizes the Open-ended working group of the Commission on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to meet for a period of two weeks, prior to the fifty-eighth session of the Commission, in order to continue or conclude the elaboration of a draft optional protocol to the Convention;

(*b*) Encourages the Chairperson-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text.

[See chap. II, sect. A, resolution 2001/44,
and chap. XI.]

25. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/45 of 23 April 2001, endorses the Commission's decision to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years, and approves the Commission's request to the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits.

[See chap. II, sect. A, resolution 2001/45,
and chap. XI.]

26. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/46 of 23 April 2001, endorses the decision of the Commission:

(*a*) To renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

(*b*) To request the Chairperson of the fifty-seventh session of the Commission, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) - transmitted by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1998/25 of 26 August 1998 - and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission at its fifty-eighth session and to the working group established under paragraph 12 of Commission resolution 2001/46 at its first session;

(*c*) To establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance - transmitted by the Sub-Commission in its resolution 1998/25 - for consideration and adoption by the General Assembly.

[See chap. II, sect. A, resolution 2001/46,
and chap. XI.]

27. Integrating the human rights of women throughout the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/50 of 24 April 2001, approves the Commission's request to all special procedures and other human rights mechanisms of the Commission and the Sub-Commission for the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates.

The Council also endorses the Commission's decision to integrate a gender perspective into all agenda items of the Commission.

[See chap. II, sect. A, resolution 2001/50, and chap. XII.]

28. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/51 of 24 April 2001, approves the Commission's request to all special representatives, special rapporteurs and working groups of the Commission to integrate the protection of HIV-related human rights within their respective mandates.

[See chap. II, sect. A, resolution 2001/51, and chap. XIV.]

29. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/54 of 24 April 2001, endorses the Commission's decision to extend the mandate of the Representative of the Secretary-General on internally displaced persons for a further three years, and approves the Commission's request that the Representative of the Secretary-General continue to report on his activities to the General Assembly and to the Commission.

[See chap. II, sect. A, resolution 2001/54, and chap. XIV.]

30. Human rights and indigenous issues

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/57 of 24 April 2001, endorses the Commission's decisions:

(a) To appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(iii) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(iv) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(v) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission and of the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the request of the Commission contained in its resolution 1993/30 of 5 March 1993;

(b) To invite the Special Rapporteur:

(vi) To take into account a gender perspective while in carrying out her/his mandate, paying special attention to discrimination against indigenous women;

(vii) To pay special attention to violations of the human rights and fundamental freedoms of indigenous children;

(viii) To take into account, in carrying out his/her task, all the recommendations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and of the Permanent Forum on Indigenous Issues relevant to her/his mandate;

(ix) To consider, in performing his/her work, the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his/her mandate;

(c) To request the Chairperson of the Commission, following formal consultations with the Bureau and the regional groups through the regional coordinators, to appoint as special rapporteur an individual of recognized international standing and experience;

(d) To request the Special Rapporteur to submit annual reports on his/her activities to the Commission, starting at its fifty-eighth session;

(*e*) To request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of her/his mandate.

[See chap. II, sect. A, resolution 2001/57,
and chap. XV.]

31. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/58 of 24 April 2001, authorizes the working group established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-eighth session of the Commission, the costs of the meeting to be met from within existing resources.

The Council endorses the Commission's decision to invite the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal inter-sessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group.

[See chap. II, sect. A, resolution 2001/58,
and chap. XV.]

32. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/59 of 24 April 2001, authorizes the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to meet for five working days prior to the fifty-third session of the Sub-Commission.

The Council approves the Commission's request to the Secretary-General to provide adequate resources and assistance to the Working Group in the discharge of its tasks.

[See chap. II, sect. A, resolution 2001/59,
and chap. XV.]

33. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/62 of 25 April 2001, endorses the Commission's decision to renew for a period of three years the mandate of the Special Rapporteur on the question of torture.

The Council also approves the Commission's request to the Special Rapporteur to present an interim report to the General Assembly at its fifty-sixth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/62,
and chap. XI.]

34. Human rights and bioethics

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/71 of 25 April 2001, approves the Commission's request to the Secretary-General to draw up proposals, on the basis of contributions from the organizations and specialized agencies of the United Nations and for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, *inter alia,* the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Intellectual Property Organization, which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights and report to the Secretary-General within a period to be determined by him.

[See chap. II, sect. A, resolution 2001/71,
and chap. XVII.]

35. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/75 of 25 April 2001, approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups regularly and systematically to include a child rights perspective in the fulfilment of their mandates.

The Council also endorses the Commission's decision to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further three years, and to request the Special Rapporteur to submit a report to the Commission at its fifty-eighth session.

[See chap. II, sect. A, resolution 2001/75,
and chap. XIII.]

36. Equitable geographical distribution of the membership of the human rights treaty bodies

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/76 of 25 April 2001, endorses the Commission's decision to recommend that the General Assembly encourage States parties to the United Nations human rights instruments to establish quota distribution systems by geographical region for the election of the members of the treaty bodies.

[See chap. II, sect. A, resolution 2001/76,
and chap. XVIII.]

37. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/80 of 25 April 2001, approves the Commission's requests to the Secretary-General:

(*a*) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the United Nations High Commissioner for Human Rights;

(*b*) To continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the field of Human Rights, the necessary assistance for international and regional meetings of national institutions.

[See chap. II, sect. A, resolution 2001/80,
and chap. XVIII.]

38. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/81 of 25 April 2001, endorses the Commission's decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and to request the future independent expert to report to the Commission at its fifty-eighth session.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to provide for the translation of Commission resolution 2001/81, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi.

[See chap. II, sect. A, resolution 2001/81,
and chap. XIX.]

39. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/82 of 25 April 2001, approves the Commission's request to the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously.

[See chap. II, sect. A, resolution 2001/82,
and chap. XIX.]

40. Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/105 of 23 April 2001, endorses the Commission's decision to request the United Nations High Commissioner for Human Rights to hold a consultative meeting in Geneva for all interested Governments, international organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" annexed to the final report of the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2000/62), on the basis of the comments submitted, and to transmit to the Commission at its fifty-eighth session the final outcome of the consultative meeting for its consideration.

[See chap. II, sect. B, decision 2001/105,
and chap. XI.]

41. Traditional practices affecting the health of women and the girl child

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/107 of 24 April 2001, endorses the decision of the Sub-Commission on the Promotion and Protection of Human Rights to extend the mandate of the Special Rapporteur on traditional practices affecting the health of women and the girl child, Ms. Halima Embarek Warzazi, for two more years and to request the Special Rapporteur to submit updated reports to the Sub-Commission at its fifty-third and fifty-fourth sessions.

[See chap. II, sect. B, decision 2001/107,
and chap. XII.]

42. Systematic rape, sexual slavery and slavery-like practices

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/108 of 24 April 2001, endorses the Commission's decision to request the Secretary-General to publish, in all official languages, the report and updated report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts, including internal armed conflict (E/CN.4/Sub.2/1998/13 and E/CN.4/Sub.2/2000/21), and to transmit them to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and to the Assembly of States Parties to the Rome Statute of the International Criminal Court (A/CONF.183/9), in order to ensure that they receive wide distribution.

[See chap. II, sect. B, decision 2001/108,
and chap. XIV.]

43. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/109 of 24 April 2001 and noting that the *Report on Slavery* (E/4168/Rev.1) prepared by its Special Rapporteur in 1966 was most recently updated in 1984, that is, more than fifteen years ago, decides that the updated report submitted to the Sub-Commission on the

Promotion and Protection of Human Rights as documents E/CN.4/Sub.2/2000/3 and Add.1 should be compiled, without financial implications, into a single report, printed in all official languages and given the widest possible distribution.

[See chap. II, sect. B, decision 2001/109,
and chap. XIV.]

44. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/110 of 24 April 2001, authorizes the former Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, to continue to participate in all meetings in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in the World Conference itself, and also authorizes the Chairperson-Rapporteur of the eighteenth session of the Working Group, Mr. Miguel Alfonso Martínez, to participate in the World Conference.

[See chap. II, sect. B, decision 2001/110,
and chap. XV.]

45. Science and the environment

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/111 of 25 April 2001, endorses the Commission's decision to invite the United Nations High Commissioner for Human Rights and the Executive Director of the United Nations Environment Programme to consider, taking into account their respective approved work programmes and budgets, the organization of a joint seminar, to be funded through voluntary contributions, to review and assess progress achieved since the United Nations Conference on Environment and Development held in Rio de Janeiro in June 1992 in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21 (A/CONF.151/26/Rev.1, Vol. 1 and Corr.1, resolution 1, annex II), in collaboration with the concerned international institutions and agencies and taking into account the views of concerned States.

[See chap. II, sect. B, decision 2001/111,
and chap. XVII.]

46. Human rights and human responsibilities

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/115 of 25 April 2001, decides to authorize the Sub-Commission on the Promotion and Protection of Human Rights to appoint Mr. Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities and to submit a preliminary report to the Commission at its fifty-eighth session and a final report at its fifty-ninth session.

[See chap. II, sect. B, decision 2001/115, and chap. XVII.]

47. Dates of the fifty-eighth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/117 of 27 April 2001, approves the Commission's recommendations, bearing in mind Council decision 1997/291 of 22 July 1997, that the fifty-eighth session of the Commission should be scheduled to take place from 18 March to 26 April 2002.

[See chap. II, sect. B, decision 2001/117, and chap. III.]

48. Organization of the work of the fifty-eighth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/118 of 27 April 2001, authorizes, for the Commission's fifty-eighth session, if possible from within existing financial resources, 35 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council.

The Council approves the Commission's request to the Chairperson of the fifty-eighth session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 2001/118, and chap. III.]

49. Question of resources for the Office of the United Nations High Commissioner for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2001/119 of 27 April 2001, endorses the Commission's decision to renew its appeal to the Council and the General Assembly that additional resources be allocated to the Office of the United Nations High Commissioner for Human Rights in order to ensure that the Office receives the necessary financial, material and personnel resources commensurate with its increasing tasks.

[See chap. II, sect. B, decision 2001/119,
and chap. III.]

50. Situation of human rights in East Timor

The Economic and Social Council, taking note of the statement agreed on by consensus by the Commission on Human Rights, made by the Chairperson of the Commission at its 68th meeting, on 20 April 2001, approves the Commission's request to the United Nations High Commissioner for Human Rights to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session.

[See chap. IX.]

51. Technical cooperation and the situation of human rights in Haiti

The Economic and Social Council, taking note of the statement agreed on by consensus by the Commission on Human Rights, made by the Chairperson of the Commission at its 79th meeting, on 25 April 2001, approves the Commission's request that a new independent expert report to the General Assembly at its fifty-sixth session and report to the Commission at its fifty-eighth session on developments in the situation of human rights and technical cooperation for human rights in Haiti.

[See chap. XIX.]

II. Resolutions and decisions adopted by the Commission at its fifty-seventh session

A. Resolutions

2001/1. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Taking note of General Assembly resolution 55/141 of 8 December 2000,

Recalling its resolution 2000/2 of 7 April 2000,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, in which the Council approved a settlement plan for Western Sahara,

Recalling all the Security Council, General Assembly and Commission on Human Rights resolutions relating to the question of Western Sahara,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Noting also with satisfaction the agreements reached by the two parties regarding the implementation of the settlement plan during their private direct talks and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation, *Noting* that, despite the progress achieved, difficulties remain in the implementation of the settlement plan which must be overcome,

Recalling Security Council resolutions 1198 (1998) of 18 September 1998, 1204 (1998) of 30 October 1998, 1215 (1998) of 17 December 1998, 1224 (1999) of 28 January 1999, 1228 (1999) of 11 February 1999, 1232 (1999) of 30 March 1999 and 1235 (1999) of 30 April 1999,

Welcoming the acceptance by the two parties of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters and the appeals process,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the General Assembly has examined the report of the Secretary-General (A/55/303),

1. *Takes note* of the report of the Secretary-General;

2. *Recalls* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private and direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the two parties to implement those agreements fully and in good faith;

3. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provided for those efforts;

4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation as well as the continued efforts of the Secretary-General and his Personal Envoy;

5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

6. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

7. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

8. *Also reaffirms* its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum on self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), in which the Council approved the settlement plan for Western Sahara;

9. *Recalls* the relevant Security Council resolutions, including resolutions 1131 (1997) of 29 September 1997, 1238 (1999) of 14 May 1999, 1263 (1999) of 13 September 1999 and 1292 (2000) of 29 February 2000, and takes note of Council resolutions 1301 (2000) of 31 May 2000, 1309 (2000) of 25 July 2000, 1324 (2000) of 30 October 2000 and 1342 (2001) of 27 February 2001;

10. *Notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-sixth session;

11. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-sixth session, a report on the implementation of Assembly resolution 55/141.

43rd meeting
6 April 2001
[Adopted without a vote.
See chap. V.]

2001/2. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, *Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also its previous resolutions in this regard, the latest of which is its resolution 2000/4 of 7 April 2000,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law, and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including its right to establish its sovereign and independent Palestinian State, and looks forward to the early fulfilment of this right;

2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission, prior to the convening of its fifty-eighth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

43rd meeting
6 April 2001
[Adopted by a roll-call vote of 48 votes to 2,
with 2 abstentions. See chap. V.]

2001/3. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Taking note of General Assembly resolution 55/86 of 4 December 2000 and recalling its own resolution 2000/3 of 7 April 2000,

Recalling all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, *inter alia* the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19);

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, *inter alia,* encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Special Rapporteur on mercenaries;

7. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

9. *Welcomes* the convening by the Office of the United Nations High Commissioner for Human Rights of a meeting of experts on the traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

10. *Takes note* of the report of the above-mentioned meeting of experts (E/CN.4/2001/18, annex), as a valuable contribution to the process of elaborating a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

11. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by these activities;

12. *Decides*, in accordance with General Assembly resolution 55/86, to renew the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination for a period of three years;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

15. *Requests* the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

16. *Requests* the Special Rapporteur to consult States, intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-eighth session;

17. *Decides* to consider at its fifty-eighth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the same agenda item;

18. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 1.]

43rd meeting
6 April 2001
[Adopted by a roll-call vote of 35 votes to 11,
with 6 abstentions. See chap. V.]

2001/4. Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, *Recalling also* its resolutions 1999/82 of 30 April 1999 and 2000/84 of 26 April 2000,

Welcoming the designation by the General Assembly of the year 2001 as the United Nations Year of Dialogue among Civilizations,

Recalling the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000,

Considering the outcome of the four regional preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa, in September 2001,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of the human rights of their adherents,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Emphasizing that States, non-governmental organizations and religious bodies have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

1. *Expresses deep concern* at negative stereotyping of religions;

2. *Also expresses deep concern* that Islam is frequently and wrongly associated with human rights violations and with terrorism;

3. *Encourages* States, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions and to take all possible measures to promote tolerance and respect for all religions;

4. *Welcomes* the resolve expressed in the United Nations Millennium Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looks forward to its effective implementation at all levels;

5. *Emphasizes* that the realization of the dialogue among civilizations requires continuous and concerted efforts to promote a culture of tolerance based on respect for all human rights and respect for religious diversity, through cooperation and mutual enrichment in various fields of human endeavour and achievement;

6. *Calls upon* the United Nations High Commissioner for Human Rights to promote and include human rights aspects in the dialogue among civilizations, *inter alia* through:

(*a*) Integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity;

(*b*) Collaboration by the Office of the United Nations High Commissioner for Human Rights with other international organizations in holding joint conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels;

7. *Requests* the High Commissioner to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

8. *Decides* to consider this matter at its fifty-eighth session, under the same agenda item.

61st meeting
18 April 2001
[Adopted by a roll-call vote of 28 votes to 15,
with 9 abstentions. See chap. VI.]

2001/5. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1998/26 of 17 April 1998, in which it recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be focused on the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Taking note of the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, *Taking note with satisfaction* of the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which call for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, discrimination against, *inter alia*, Africans, people of African descent, Arabs and Muslims, and incidents of xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

Recognizing that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, *inter alia*, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned that the phenomena of racism, racial discrimination, xenophobia and related intolerance against migrant workers continue to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families, *Recalling* the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Taking note with satisfaction of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83 and Add.1),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Alarmed that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Calling for the promotion of tolerance and respect for cultural diversity as an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

Recalling General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade,

Welcoming the General Assembly's decision to declare the year 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21 and Corr.1),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms, *Stressing* the need to recognize that acts of violence motivated by racial discrimination and xenophobia are crimes punishable by law,

Stressing also the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Acknowledging that indigenous people and persons belonging to national or ethnic, religious and linguistic minorities are at times vulnerable to particular forms of racism, racial discrimination, xenophobia and related intolerance,

Noting with concern the existence of multiple discrimination, in particular against women,

Recognizing that failure, especially by public authorities and politicians, to combat racial discrimination and xenophobia is a factor encouraging their perpetuation in society,

I. GENERAL

1. *Expresses its profound concern at and unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and related intolerance, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

2. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and racial discrimination;

3. *Urges* all Governments to take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance, including new and contemporary forms of racism, through specific measures and programmes, in particular in the legislative, judicial, administrative, educational and information fields;

4. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including in their legislation racist motivation as an aggravating factor for the purposes of sentencing;

5. *Recognizes* the vulnerability of victims of acts of racial discrimination that violate their human rights and fundamental freedoms, as well as the difficulties they often face in

seeking legal remedies, and in this regard calls upon all States to provide, when needed, legal assistance, in order to facilitate access to justice, as well as to consider establishing appropriate policies and structures at the national level, *inter alia*, an ombudsman, to deal with these kinds of acts;

6. *Calls upon* all States to intensify their efforts in taking appropriate measures to prevent political parties from promoting and inciting racial discrimination in violation of human rights;

7. *Underlines* the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

8. *Expresses its deep concern at and condemnation of* manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

9. *Calls upon* all States to review and, where necessary, revise their immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants;

10. *Condemns* all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

11. *Categorically condemns* any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

12. *Urges* Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;

13. *Urges* all States to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention, with respect to:

(a) Declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Declaring illegal and prohibiting organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(c) Not permitting public authorities or public institutions, national or local, to promote or incite racial discrimination;

14. *Calls upon* all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in this regard, including those on the importance of integration of vulnerable groups into mainstream societies;

15. *Invites* all States, in their efforts aimed at promoting racial harmony, to involve or, as necessary, to establish, national institutions and other appropriate organizations;

16. *Welcomes* the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

17. *Encourages* the mass media, through all appropriate means, such as codes of conduct, to promote ideas of tolerance and understanding among peoples and between different cultures, and to refrain from disseminating racist and xenophobic ideas;

18. *Recalls with interest* general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

19. *Regrets* that the activities scheduled to take place during the Third Decade, and the Programme of Action for the Decade have not been fully implemented owing to lack of interest, support and financial resources;

20. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

21. *Recognizes* the laudable and generous efforts by donors that have made contributions to the Trust Fund, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

22. *Recommends* that the General Assembly, through the Economic and Social Council, request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme;

23. *Calls upon* all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action;

24. *Affirms* its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as serious a problem as violence based on racism, racial discrimination, xenophobia and related intolerance;

25. *Requests* all States to encourage the reporting of all acts motivated by racism, racial discrimination, xenophobia or ethnic reasons in order to facilitate the necessary inquiries and bring the persons who commit such acts to trial;

26. *Recommends* that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, *inter alia* through the promotion of tolerance and respect for cultural diversity;

27. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

III. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS

28. *Takes note with satisfaction* of the report of the Special Rapporteur (E/CN.4/2001/21 and Corr.1);

29. *Expresses its full support and appreciation* for the work of the Special Rapporteur and for its continuation;

30. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

31. *Also requests* the Special Rapporteur to continue his examination of the issue of political platforms which promote or incite racial discrimination in violation of human rights and to submit recommendations thereon to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session;

32. *Reiterates its call* to all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply all relevant information to the Special Rapporteur;

33. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, *inter alia*, Africans, people of African descent, Arabs and Muslims and incidents of xenophobia, Negrophobia, anti-Semitism and related intolerance;

34. *Requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

35. *Commends* those States that have so far invited and received the Special Rapporteur;

36. *Invites* the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-eighth session, under the same agenda item, information on measures to implement those recommendations, and to undertake follow-up visits, if necessary;

37. *Notes with concern* that new communications technologies, in particular the Internet, are increasingly being used to disseminate racist ideas and incite racial hatred;

38. *Notes* that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance through, *inter alia*, the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

39. *Requests* the United Nations High Commissioner for Human Rights to continue to undertake research and consultations on the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

40. *Urges* the High Commissioner to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

41. *Appeals* to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

42. *Recommends* that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the reservations thereto, and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints, be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

43. *Calls upon* States parties that have not submitted initial or periodic reports in accordance with article 9 of the Convention to do so;

44. *Urges* States to limit the extent of any reservations they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention;

45. *Calls upon* States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

46. *Requests* the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

47. *Invites* the States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination;

V. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

48. *Takes note* of the progress made in the preparatory process for the World Conference within the framework of the Preparatory Committee, and encourages the Committee to intensify its efforts in this regard;

49. *Also takes note* of the report of the Secretary-General on racism, racial discrimination, xenophobia and all forms of racial discrimination concerning the implementation of Commission resolution 2000/14 of 17 April 2000 (E/CN.4/2001/20);

50. *Encourages* all States and other entities, including intergovernmental organizations and non-governmental organizations, to contribute generously to the host country trust fund established in the Office of the United Nations High Commissioner for Human Rights to finance the activities of the World Conference, to be held in Durban, South Africa, from 31 August to 7 September 2001;

51. *Requests* the United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference, to continue to intensify the activities already initiated within the framework of the world information campaign with a view to

mobilizing support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors, and welcomes the efforts she has made in this regard;

52. *Welcomes* the efforts by the High Commissioner to include in her strategy for informing international public opinion and raising awareness about the objectives of the World Conference the activities outlined in paragraph 51 (*a*) to (*e*) of Commission resolution 1999/78 of 28 April 1999, and encourages her to continue these efforts;

53. *Also welcomes* the efforts of the High Commissioner, in her capacity as Secretary-General of the World Conference, in initiating consultations with various international sporting and other organizations, to enable them to contribute to the struggle against racism and racial discrimination in the framework of the World Conference, as well as the appointment of goodwill ambassadors;

54. *Urges* all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to continue to support the High Commissioner and the Department of Public Information and to give them full and complete cooperation for the coordination of information activities;

55. *Encourages* the participation of non-governmental organizations in the World Conference and in the sessions of the Preparatory Committee and welcomes the efforts of the Secretary-General of the World Conference to expedite arrangements for accreditation of non-governmental organizations, including those that are not in consultative status with the Economic and Social Council, in accordance with the arrangements for consultation with non-governmental organizations adopted by the Council in its resolution 1996/31 of 25 July 1996;

56. *Welcomes* the decision of non-governmental organizations, in consultation with the High Commissioner, to hold a forum before and partly during the World Conference, and requests the High Commissioner, insofar as possible, to provide them with technical assistance for that purpose;

57. *Expresses its appreciation* to the Governments of Senegal, the Islamic Republic of Iran and Chile, and to the Council of Europe, for hosting the regional preparatory meetings for the World Conference;

58. *Takes note* of the outcome of the regional preparatory meetings, and requests the Preparatory Committee, in its deliberations on the texts of the draft final documents of the World Conference, to take into account the recommendations of the regional meetings, and other inputs from States;

59. *Invites* Governments to promote the participation of national institutions and local non-governmental organizations in the preparations for and the process of the World Conference and to organize debates in national parliaments on the objectives of the World Conference;

60. *Encourages* all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means of effectively involving parliaments through the relevant international organizations;

61. *Invites* United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and the special rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;

62. *Recommends* that the World Conference adopt a declaration and programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

63. *Stresses* the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;

64. *Recommends* that the particular situation of children and young people receive special attention during the preparations for and during the World Conference itself, and especially in its outcome;

65. *Encourages* Governments, to that end, and to ensure further the engagement of young people on the broader issues of racism, racial discrimination, xenophobia and related intolerance, to consider including youth delegates in their official delegations to the World Conference and its preparatory processes;

66. *Recommends* that the particular situation of indigenous people receive special attention during the preparations for and during the World Conference, and especially in its outcome;

67. *Also recommends* that special attention be accorded during the preparations for and during the World Conference, and especially in its outcome, to the particular situation of migrants;

68. *Calls upon* all States, United Nations bodies, specialized agencies, regional organizations and intergovernmental and non-governmental organizations to mobilize their efforts to realize the objectives of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

69. *Emphasizes* that the activities to be implemented within the framework of the International Year should be directed towards the preparation of the World Conference;

70. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

71. *Decides* to continue its consideration of this question at its fifty-eighth session under the same agenda item.

61st meeting
18 April 2001
[Adopted without a vote. See chap. VI.]

2001/6. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 55/51 of 1 December 2000, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/55/453) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan, *Reaffirming* the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the stoppage of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also its previous relevant resolutions, the most recent being resolution 2000/7 of 17 April 2000,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-eighth session;

7. *Decides* to include in the provisional agenda of its fifty-eighth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

61st meeting
18 April 2001
[Adopted by a roll-call vote of 29 votes to 2,
with 21 abstentions. See chap. VIII.]

2001/7. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Recalling the General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Welcoming the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114),

Welcoming also the report of the Special Rapporteur, Mr. Giorgio Giacomelli (E/CN.4/2001/30), and his report (E/CN.4/S-5/3) submitted to its fifth special session, held from 17 to 19 October 2000, *Welcoming further* the report of the Human Rights Inquiry Commission established pursuant to Commission on Human Rights resolution S-5/1 of 19 October 2000 (E/CN.4/2001/121),

Expressing its deep concern at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission and its failure to cooperate with other relevant rapporteurs,

Gravely concerned at the deterioration of the situation in the occupied Palestinian territories and by the gross violations of human rights and international humanitarian law, in particular extrajudicial killings, closures, collective punishments, settlements and arbitrary detentions,

Expressing its grave concern at the continuing violence and the resulting deaths and injuries, mostly among Palestinians,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967,

Convinced that the progress made on all major issues during the last negotiations should form the basis for future talks on permanent status, and that the basis of negotiations, and of a just and lasting peace, must be Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and other relevant United Nations resolutions and include the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject, including the latest, resolutions 2000/6 of 17 April 2000 and S-5/1 of 19 October 2000 adopted at its fifth special session,

1. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territories;

2. *Condemns* the disproportionate and indiscriminate recourse to force, which cannot but aggravate the situation and increase an already high death toll, and urges the Government of Israel to make every effort to ensure that its security forces observe international standards regarding the use of force;

17. *Decides* to consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.

61st meeting
18 April 2001
[Adopted by a roll-call vote of 28 votes to 2,
with 22 abstentions. See chap. VIII.]

2001/8. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 2000/8 of 17 April 2000, in which, *inter alia*, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

Expressing its concern regarding the security risks related to the presence of the settlements in the occupied territories,

1. *Welcomes*:

(*a*) The reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/S-5/3 and E/CN.4/2001/30) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

(*b*) The report of the United Nations High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan from 8 to 16 November 2000 (E/CN.4/2001/114);

(*c*) The report of the Human Rights Inquiry Commission established pursuant to Commission on Human Rights resolution S-5/1 of 19 October 2000 (E/CN.4/2001/121);

2. *Expresses its grave concern*:

(*a*) At the continuing Israeli settlement activities, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(*b*) At and strongly condemns all acts of terrorism and violence;

(*c*) At the closures of and within the Palestinian territories which contribute, together with other factors, to the unrest and violence that have been prevailing in the zone for several months;

3. *Urges* the Government of Israel:

(*a*) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2000/8 of 17 April 2000;

(*b*) To take concrete actions to fulfil its obligations and cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(*c*) To forgo and prevent any new installation of settlers in the occupied territories;

(*d*) To implement the recommendations regarding the settlements made by the High Commissioner in her report, including to ensure that the Israeli security forces protect Palestinians from violence perpetrated by Israeli settlers;

4. *Urges* the parties to create the conditions which will allow the resumption of the peace process, building on the full implementation of previous agreements and the progress that was made on all major issues during the last negotiations between the Government of Israel and the Palestinian Authority, in order to find a just and lasting peace based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and other relevant United Nations resolutions, including the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security, and the principle of land for peace;

5. *Decides* to continue its consideration of this question at its fifty-eighth session.

6lst meeting
18 April 2001
[Adopted by a roll-call vote of 50 votes to 1,
with 1 abstention. See chap. VIII.]

2001/9. The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling all its previous resolutions relating to the right to development, in particular resolutions 1996/15 of 11 April 1996, 1997/72 of 16 April 1997, 1998/72 of 22 April 1998, 1999/79 of 28 April 1999 and 2000/5 of 13 April 2000, as well as those of the General Assembly, and welcoming Assembly resolution 55/108 of 4 December 2000,

Recalling also that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Recalling further that the outcome of the World Conference on Human Rights, held in Vienna in 1993, the Vienna Declaration and Programme of Action (A/CONF.157/23), reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recalling General Assembly resolution 52/187 of 18 December 1997 on the implementation of the Programme of Action for the Least Developed Countries for the 1990s and noting that the European Union will host the Third United Nations Conference on Least Developed Countries in May 2001,

Welcoming General Assembly resolution 55/245 of 21 March 2001 on the substantive preparatory process and the high-level international intergovernmental event on financing for development, and the fact that Mexico will host the International Conference on Financing for Development in 2002,

Taking note of the three studies prepared by the independent expert on the right to development and his proposed possible approaches to the operationalization of the right to development,

Taking note also of the report of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development (E/CN.4/2001/26) and of the Chairperson's conclusions on the issue, as well as the comments submitted thereon,

Welcoming the commitment made by heads of State and Government in the United Nations Millennium Declaration to make the right to development a reality for everyone and their resolve to create an environment - at the national and global levels alike - which is conducive to development and to the elimination of poverty, and their commitment to spare no effort to promote good governance and democracy and to strengthen the rule of law as well as respect for all universally recognized human rights and fundamental freedoms, including the right to development,

Underlining that meeting the objectives of good governance also depends on good governance at the international level and on transparency in the financial, monetary and trading systems and an open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial system,

Underlining also the fact that realization of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level,

Underlining further the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Noting the outcome of the South Summit of the Group of Seventy-seven held in Havana from 10 to 14 April 2000 (A/55/74, annexes) relating to the realization of the right to development,

1. *Welcomes* the holding of two sessions of the Working Group on the Right to Development (18-22 September 2000 and 29 January-2 February 2001) which focused on certain issues, as reflected in the report of the Working Group on the Right to Development, and emphasizes the need to continue deliberations on the right to development in all its aspects, *inter alia* on the basis of the report of the Working Group on the Right to Development and the Chairperson's conclusions, as well as comments submitted thereon;

2. *Emphasizes* that on the basis of the text of the Declaration on the Right to Development, several resolutions and declarations adopted by consensus at subsequent international conferences and the Vienna Declaration and Programme of Action, it should now be possible to reach consensus on the full implementation of the right to development;

3. *Expresses its appreciation* of the reports of the independent expert on the right to development and his additional work on and clarifications of the "development compact" proposal, which contributed to a better understanding of this proposal, while recognizing that further clarification is still needed;

4. *Recognizes* that any "development compact" would be of a voluntary nature for all parties involved and that its content would be defined on a case-by-case basis and be adapted to the priorities and realities of any country willing to conclude such a compact, which would need the adherence and the support of all international actors involved in its implementation;

5. *Requests* the independent expert to clarify further the proposed "development compact", taking into consideration views expressed during the two sessions of the Working Group on the Right to Development and in broad consultation with the Office of the United Nations High Commissioner for Human Rights and United Nations funds and programmes, as well as specialized agencies, relevant international and regional organizations, non-governmental organizations and, in particular, those actors and States interested in developing pilot projects in this regard, keeping in mind:

(*a*) The ongoing bilateral, regional and multilateral development cooperation programmes;

(*b*) The formulation of an operational model for the "development compact";

(*c*) The views of concerned international organizations and agencies and relevant regional institutions and actors;

(*d*) The need to ensure the added value of the "development compact" to and complementarity with the relevant existing mechanisms;

(*e*) The need to address and remedy the national and international dimensions of corruption;

(*f*) The need for country-specific studies both from a national and an international perspective;

6. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that they are committed to cooperating with each other to that end;

7. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, and which also places the human person at the centre of development and recognizes that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

8. *Recognizes* that, in order to realize the right to development, national action and international cooperation must reinforce each other in a manner that goes beyond the measures for realizing each individual right, and also recognizes that international cooperation for the realization of the right to development should be conducted in a spirit of a partnership, in full respect of all human rights, which are universal, indivisible, interdependent and interrelated;

9. *Also recognizes* that for many developing countries, the realization of the rights to, *inter alia*, food, health and education may be important development entry points to the realization of the right to development and that, in this context, the independent expert's concept

of a "development compact" intends to give expression to some basic tenets of the interdependence of all human rights and national ownership of development strategies and development programmes, as well as the importance of international cooperation;

10. *Further recognizes* the need for a discussion on a suitable permanent follow-up mechanism for the implementation of the right to development in the future, in the Working Group on the Right to Development;

11. *Stresses* the necessity of establishing, at the national level, an enabling legal, political, economic and social environment for the realization of the right to development and emphasizes the importance of democratic, participatory, transparent and accountable governance, as well as the need for efficient national mechanisms such as national human rights commissions, to ensure respect for civil, economic, cultural, political and social rights, without any distinction;

12. *Also stresses* the need to prevent, address and take effective action against corruption, at both the national and international levels, including by establishing a firm legal structure for eradicating corruption, and urges States to take all necessary measures to that end;

13. *Recognizes* the importance of the role of the State, civil society, free and independent media, national institutions, the private sector and other relevant institutions in the realization of the right to development, and also recognizes a need to continue discussion on this subject;

14. *Affirms* the role of women in the process of the realization of the right to development, including their role as active actors in and beneficiaries of development, and that further actions in this context are needed to ensure the participation of women on equal terms with men in all fields in the realization of the right to development;

15. *Also affirms* the promotion of gender equality and the empowerment of women as effective means to combat poverty, hunger and disease and to stimulate sustainable development, as well as the importance of equal rights and opportunities for women and men, including property rights for women and their access to bank loans, mortgages and other forms of financial credit, taking into account the best practices of micro-credit in different parts of the world;

16. *Underlines* that in the process of the realization of the right to development, special attention should be given to persons belonging to minorities, whether national, ethnic, religious or linguistic, as well as to persons belonging to vulnerable groups, for instance elderly people, indigenous people, persons facing discrimination on multiple grounds, Roma, migrants, persons with disabilities, children and persons infected with human immunodeficiency virus/acquired immunodeficiency syndrome, and that this attention should have a gender perspective;

17. *Affirms* in this context that attention should also be given to the right to development of children, with special attention to the rights of the girl child;

18. *Acknowledges* the need to continue discussion on the role of civil society in the realization of the right to development and the role of national institutions in this respect;

19. *Reaffirms* the need for States to cooperate with each other in ensuring development and eliminating obstacles to development and recognizes the importance of the international community promoting effective international cooperation for the realization of the right to development, and also recognizes that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

20. *Reiterates* that the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

21. *Recognizes,* while bearing in mind the existing efforts in this respect, that it is necessary to enhance efforts to consider and evaluate the impact of international economic and financial issues on the enjoyment of human rights, such as:

(*a*) International trade issues;

(*b*) Access to technology;

(*c*) Good governance and equity at the international level;

(*d*) Debt burden;

22. *Requests* the independent expert to prepare, in consultation with all relevant United Nations agencies and the Bretton Woods institutions, a preliminary study on the impact of these issues on the enjoyment of human rights, starting by analysing the existing efforts and means of assessing and evaluating such an impact, for consideration by the Working Group on the Right to Development at its future sessions;

23. *Requests* the Office of the United Nations High Commissioner for Human Rights, the United Nations specialized agencies, funds and programmes, the international financial institutions and other relevant actors to collaborate with the independent expert in the fulfilment of his mandate and encourages further cooperation;

24. *Requests* the Working Group on the Right to Development as well as the independent expert, to consider, as appropriate, the relevant economic and developmental outcomes of the international conferences, *inter alia* the South Summit of the Group of Seventy-seven and the follow-up thereto, in elaborating their recommendations for the implementation of the right to development;

25. *Recommends*, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, and based on the established practice of the Commission, the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 4.]

26. *Decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-eighth session.

62nd meeting
18 April 2001
[Adopted by a roll-call vote of 48 votes to 2,
with 3 abstentions. See chap. VII.]

2001/10. Human rights situation of the Lebanese detainees in Israel

The Commission on Human Rights,

Taking note of the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978 (S/2000/460), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Council (S/PRST/2000/18),

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols thereto,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

Gravely concerned about the tens of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused dozens of deaths and injuries to civilians, including women and children,

Deploring the failure of the Government of Israel to submit all the maps showing the deployment of those landmines, *Condemning* the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians who were abducted and detained in Lebanon and subsequently transferred to prisons in Israel,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Supreme Court of Israel permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and the recent renewal of their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 2000/16 of 18 April 2000, and expressing its deep regret at the failure of the Government of Israel to implement that resolution fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions of 12 August 1949 for the protection of victims of war, and the Additional Protocols thereto;

2. *Also calls upon* the Government of Israel to refrain from holding the detained Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes and to release them immediately, in compliance with all the Geneva Conventions and other provisions of international law;

3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit the detainees regularly, as well as to allowing other international humanitarian organizations to do so and to verify their sanitary and humanitarian conditions and, in particular, the circumstances of their detention;

4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps of the landmine fields laid throughout the civilian villages, fields and farms, causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;

5. *Requests* the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions;

(b) To report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the results of his efforts in this regard;

6. *Decides* to continue its consideration of the situation of the Lebanese detainees in Israel at its fifty-eighth session.

62nd meeting
18 April 2001
[Adopted by a roll-call vote of 33 votes to 1,
with 19 abstentions. See chap. IX.]

2001/11. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 2000/22 of 18 April 2000 and taking note of the report of the Secretary-General on the question (E/CN.4/2001/34),

1. *Urges* Governments to refrain from all acts of intimidation or reprisal against:

(*a*) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(*b*) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(*c*) Those who submit or have submitted communications under procedures established by human rights instruments;

(*d*) Those who are relatives of victims of human rights violations;

2. *Requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. *Also requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. *Further requests* such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. *Requests* the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. *Invites* the Secretary-General to submit to the Commission at its fifty-eighth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. *Decides* to consider the question again at its fifty-eighth session.

63rd meeting
18 April 2001
[Adopted without a vote. See chap. IX.]

2001/12. Situation of human rights in parts of South-Eastern Europe

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention relating to the Status of Refugees and its Protocol, the Convention on the Prevention and Punishment of the Crime of Genocide, the Guiding Principles on Internal Displacement, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act, and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling all relevant resolutions on this subject, in particular its resolution 2000/26 of 18 April 2000, General Assembly resolution 55/113 of 4 December 2000, as well as all Security Council resolutions and statements,

Expressing its full support for and encouraging efforts towards the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively called the "Peace Agreement") which, *inter alia*, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect fully human rights and, in particular, the right of return of refugees and internally displaced persons and to provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for,

Welcoming the progress achieved on human rights and democratic principles in Croatia and encouraging Croatian authorities to continue to undertake special efforts in the field of implementing the return and accommodation of internally displaced persons and minority refugees, including by establishing a legal framework and mechanism for property restitution,

1. *Notes* new opportunities for democratic forces and non-governmental organizations to work effectively, and strongly supports their efforts to promote and protect human rights and fundamental freedoms, and strengthen civil society, and notes in this regard the opportunities afforded by the Stability Pact for South-Eastern Europe;

2. *Also notes* the importance of respect for the human rights of all persons belonging to minorities;

3. *Welcomes* all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other parts of the United Nations system, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union Monitoring Mission, the International Committee of the Red Cross, Governments and intergovernmental and non-governmental organizations in the area;

4. *Recalls* Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999 and the general principles annexed thereto, takes note of Council resolution 1345 (2001) of 21 March 2001, and General Assembly resolution 55/113 of 4 December 2000, and recalls previous relevant Assembly resolutions, the statement made on 24 March 1998 by the Chairman of the Commission at its fifty-fourth session, Commission resolutions 1998/79 of 22 April 1998, 1999/2 of 13 April 1999 and 2000/26 of 18 April 2000 and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on the situation of human rights in Kosovo (Federal Republic of Yugoslavia) of 27 September 1999;

5. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that additional efforts are required in several areas;

6. *Stresses* the crucial role of respect for human rights and fundamental freedoms in the successful implementation of the Peace Agreement and underlines the obligations of all parties under the Peace Agreement to act in accordance with international human rights law, international humanitarian law and refugee law, and to secure for all persons within their jurisdiction the highest level of protection for human rights and fundamental freedoms, including civil and political rights;

7. *Encourages* the international community to continue providing voluntary contributions to meet the region's pressing human rights and humanitarian needs;

8. *Stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and dignity;

9. *Condemns* all trafficking in persons, including women and children, and calls upon all authorities in the region, in cooperation with international authorities, to protect the human rights of the victims and to take all steps necessary to prevent and eliminate trafficking in order to combat actively this criminal practice;

10. *Urges* all States and parties to the Peace Agreement to meet their obligations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal all those indicted persons present in their territories or under their control;

11. *Urges* all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that victims and witnesses testifying against persons indicted by the Tribunal are given adequate protection;

12. *Reiterates its call* upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and fundamental freedoms and effective, functioning democratic institutions will be central elements in developing civilian structures consistent with the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions;

13. *Encourages* all States and parties in the region to provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for, and to cooperate fully with the International Committee in its efforts to determine their identities, whereabouts and fate;

14. *Welcomes* the establishment of the Missing Persons Institute on 15 August 2000 in Sarajevo by the International Commission on Missing Persons and supports the programmes put in place to resolve the continuing problem of missing persons;

15. *Notes* some progress by Bosnia and Herzegovina implementation of the Peace Agreement, welcomes the establishment of the state-level and Federation governments comprised of non-nationalist parties in Bosnia and Herzegovina for the first time since 1992, and strongly condemns both the attempt of Croatian Democratic Union of Bosnia and Herzegovina extremists to undermine legitimately elected and constitutional bodies, as well as recent violent attacks by Bosnian Croat extremists in Mostar and other places against representatives of the international community;

16. *Also notes* progress on refugee returns in Bosnia and Herzegovina, while calling upon all authorities to support actively the return process for minority refugees and internally displaced persons, especially in urban areas, *inter alia*, through the eviction of illegal occupants of housing intended for internally displaced persons and refugees, in particular in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation of Bosnia and Herzegovina with a majority population of Bosnian Croats;

17. *Condemns* the continued harassment of returning minority refugees and internally displaced persons wherever it occurs in Bosnia and Herzegovina, including the destruction of their homes and other acts designed to discourage their voluntary return;

18. *Also condemns* recurrent instances of religious discrimination and the denial to persons belonging to religious minorities of their rights to practise their faiths and rebuild religious sites in Bosnia and Herzegovina and calls upon the authorities to promote freedom of religion;

19. *Calls upon* the authorities of Bosnia and Herzegovina to implement the decisions of the High Representative, the Commission on Human Rights for Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, the Constitutional Court of Bosnia and Herzegovina and the Commission for Real Property Claims of Refugees and Displaced Persons, as well as the recommendations of the High Representative and the International Labour Organization, to establish a fully staffed and funded judiciary which effectively protects the rights and fundamental freedoms of all citizens, to adopt an effective and fair election law in cooperation with the Organization for Security and Cooperation in Europe, to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, in particular for the apprehension of former Republika Srpska President Radovan Karadzic and former Bosnian Serb General Ratko Mladic, to promote an independent media free from political influence, to work to expand and improve the State Border Service to stem the flow of illegal immigration and trafficking in human beings, including women and children, as well as enabling the Service to identify those persons in need of protection, such as asylum-seekers and trafficked persons, and to provide them with the protection they require, to support the work of the State institutions and to implement fully the actions mandated by the Peace Implementation Council at its ministerial meeting in Brussels on 23 and 24 May 2000;

20. *Welcomes* the political change undertaken by the democratically elected Government of the Federal Republic of Yugoslavia, which shows the clear decision of the people to choose democracy, respect for human rights and fundamental freedoms and integration into the international community over dictatorship and isolation; notes legislation introduced in this area; and encourages the new authorities to continue to make progress in ensuring respect for the rule of law and for the promotion and protection of human rights and fundamental freedoms, and processes of reconciliation and regional cooperation;

21. *Also welcomes* the admission of the Federal Republic of Yugoslavia to membership in the United Nations and other international organizations, the Organization for Security and Cooperation in Europe and the Stability Pact for South-Eastern Europe;

22. *Further welcomes* the commitment of, and encourages efforts by, the new democratic Government of the Federal Republic of Yugoslavia to investigate past abuses of human rights, including violations of human rights of individuals belonging to ethnic groups in Kosovo; repression and harassment of peaceful political activists; illegal and/or hidden detentions; and other violations of human rights and fundamental freedoms;

23. *Welcomes* the commitment by the Federal Republic of Yugoslavia to implement fully, and in good-faith, its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244 (1999), and supports the cooperation of the Federal Republic of Yugoslavia with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them and to assist their voluntary return to their homes in safety and with dignity;

24. *Calls upon* all authorities of the Federal Republic of Yugoslavia to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

25. *Welcomes* the commitment of the Federal Republic of Yugoslavia to cooperate with the International Criminal Tribunal for the Former Yugoslavia, notes the first steps it has undertaken in this regard and urges all authorities of the Federal Republic of Yugoslavia to comply fully with their obligations to cooperate with the Tribunal, in particular concerning the apprehension and extradition of persons indicted for war crimes;

26. *Expresses its concern* at the continued detention in Serbia of political prisoners of Kosovar Albanian or other origins in violation of international human rights law and standards, and welcomes a recently passed amnesty law to release some prisoners, but notes that these first steps are insufficient in that they do not yet address the need to release all political prisoners;

27. *Strongly condemns* extremist violence in certain municipalities in southern Serbia and welcomes the plan of the Federal and Republic Governments to resolve the crisis in these municipalities peacefully, including political and economic reform designed to reintegrate the ethnic Albanian population as full members of civil society, and calls for a rapid implementation of the plan;

28. *Welcomes* the open and democratic approach of the Montenegrin and Serbian authorities regarding the negotiations on redefined constitutional relations between the two republics, within an overall federal framework, ensuring the democratic legitimacy of the outcome, while avoiding unilateral action which could jeopardize the negotiation process and could have an impact on the enjoyment of human rights and fundamental freedoms;

29. *Urges* the Montenegrin authorities fully to respect accepted democratic norms in connection with the parliamentary elections of 22 April 2001, including respect for free media and the granting of equal access to all relevant parties at public media outlets;

30. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia and all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

31. *Reaffirms* that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles set out in the annex to Security Council resolution 1244 (1999);

32. *Condemns* all violations of human rights in Kosovo that have affected all ethnic groups there stresses the importance of the peaceful return, in safety and dignity, of refugees and of all displaced persons, condemns the perpetuation of violence and intimidation against ethnic minorities and other acts designed to discourage the voluntary return of displaced persons and calls upon the authorities of the Federal Republic of Yugoslavia, and all local Kosovo ethnic Serb and Albanian leaders, to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, including Serbs reported missing in Kosovo;

33. *Urges* all ethnic leaders in Kosovo to take concrete action at the community level to prevent ethnic violence, and to engage in and support efforts to create conditions for the safe, sustainable and dignified return of displaced minority communities;

34. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe, the United Nations Interim Administration Mission in Kosovo, and the Kosovo Force, stresses the urgent need for all to recognize and cooperate with the Mission and the Force in building common institutions, especially an independent and impartial judicial system, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Mission in the fulfilment of their respective mandates and to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo, including the right to freedom of opinion and non-violent expression for all points of view, *inter alia* through free, independent media, and the right to religious freedom;

35. *Calls upon* Kosovar Albanian political leaders and leaders of the Albanian community in southern Serbia publicly to condemn violence and ethnic intolerance and to use their influence to block support for extremists in southern Serbia and in The former Yugoslav Republic of Macedonia as a means to secure peace and the protection of human rights;

36. *Notes with concern* continued ethnic violence, particularly in Mitrovica, and calls for the support of the Mission strategy for Mitrovica, calls on all sides, working closely with international authorities, to end politically and ethnically related violence, urges the authorities of the Federal Republic of Yugoslavia to use their influence positively to help resolve the situation and calls for the establishment of freedom of movement in Mitrovica and enhanced security for minorities across the province;

37. *Urges* all parties in Kosovo to support and strengthen a multi-ethnic and democratic society that respects the rights of all persons belonging to minorities and that includes them in all provisional self-governing institutions in Kosovo, and to support fully the Mission in this regard, but notes with concern the ethnic Albanian violence that threatens to undermine international support for the establishment of Kosovo provisional self-government under Security Council resolution 1244 (1999);

38. *Welcomes* the progress concerning the establishment of provisional self-governing institutions and the rule of law in Kosovo, and encourages all authorities to pursue efforts aimed at the effective protection of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, through the adoption and implementation of all appropriate measures;

39. *Thanks* the Special Rapporteur for his efforts to fulfil his mandate and takes note of his report (E/CN.4/2001/47 and Add.1);

40. *Requests* the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia; in reporting on the human rights situation in Kosovo, the Special Representative should:

(*a*) Consult closely with the international civilian presence, particularly representatives of the Organization for Security and Cooperation in Europe;

(*b*) Closely monitor the situation, paying particular attention to those areas that remain a source of concern, including cooperation with the International Criminal Tribunal for the Former Yugoslavia, the release of unjustly detained prisoners, including Kosovar Albanians, the identification of persons missing as a result of conflict, the protection of minorities, trafficking in persons and the right of return of refugees and internally displaced persons;

(*c*) Cooperate closely with the United Nations High Commissioner for Human Rights offices in Belgrade and Sarajevo and with her Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia to avoid duplication of effort;

41. *Requests* the Special Representative to submit an interim report on his/her findings to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session;

42. *Calls upon* all Governments and all parties to cooperate fully with the Special Representative in carrying out his/her work;

43. *Decides* to consider this matter further at its fifty-eighth session.

63rd meeting
18 April 2001
[Adopted by a roll-call vote of 41 votes to none,
with 11 abstentions. See chap. IX.]

2001/13. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous resolutions, the most recent being resolution 2000/18 of 18 April 2000, the relevant General Assembly resolutions, as well as the relevant resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council and resolutions of the Commission on the Status of Women,

Affirming its sympathy and solidarity with the people of Afghanistan in the ongoing humanitarian crisis,

Expressing its grave concern at the failure of all Afghan parties, in particular the Taliban, to put an end to the conflict, which seriously threatens stability and peace in the region, and at the ethnic nature of the conflict,

Deploring the deteriorating economic and social conditions of women and girls in all areas of Afghanistan, in particular in areas under Taliban control, as documented by the continued and substantiated reports of grave violations of the human rights of women and girls, including all forms of discrimination against them, such as restrictions on access to health care, to many levels and types of education, to employment outside the home and, at times, to humanitarian aid, as well as restrictions on their freedom of movement,

Deeply concerned that, notwithstanding the desperate humanitarian situation in Afghanistan, which demands urgent action by the international community in terms of provision of relief assistance, serious difficulties relating to security and access impede the delivery of humanitarian relief to large sections of the population, *Recalling* the agreement between the Taliban and the United Nations, signed on 23 October 1998, on the security of United Nations personnel in Afghanistan and urging its full implementation, and deeply disturbed by the continuing security threat to United Nations personnel and other humanitarian personnel, including locally engaged staff, and by the fact that the authorities continue to limit their access to affected populations in certain areas,

Convinced that the major contribution to improving the human rights situation in Afghanistan would be an immediate ceasefire followed by a negotiated settlement in line with the efforts aimed at the establishment of a broad-based, multi-ethnic and fully representative Government, and the effective participation of the people of Afghanistan in the governance of their country through freely chosen representatives,

Noting that in November 2000 both warring sides expressed their willingness to consider a negotiated solution to the conflict, and urging them to implement their stated commitment,

Recalling that the United Nations continues to play its central and impartial role in international initiatives towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels, in particular those of the "six plus two" group and the Organization of the Islamic Conference, the efforts by influential Afghan individuals and organizations, such as the "Rome process" launched by the former King, Zahir Shah, to convene a *loya jirgah* as a step in the process towards peace and a broad-based, multi-ethnic, fully representative government, all aimed at finding a comprehensive political solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997,

Expressing deep concern at the lack of reconstruction in Afghanistan, at the serious deterioration of the situation of the country, in particular the grim situation in the health sector and the degradation of education standards, especially as far as women and girls are concerned, and at the deterioration of the situation with respect to agriculture and the food supply which threatens to lead to famine, caused by the continued conflict and the worst drought in three decades,

Taking note of General Assembly resolution 55/243 of 9 March 2001 and deeply concerned and appalled by the edict of 26 February 2001 issued by the Taliban, by the fact that the Taliban did not abide by its previous commitment to protect all of the Afghan cultural heritage and by the subsequent deliberate destruction of relics belonging to the common heritage of humankind, which is a grave violation of, *inter alia*, article 15, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, and appreciating the efforts by various States and international organizations to prevent such destruction,

1. *Takes note* of the interim report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2001/43 and Add.1) and the report of the Special

Rapporteur on violence against women, its causes and consequences (E/CN.4/2000/68/Add.4) and the conclusions and recommendations contained therein, and encourages both Special Rapporteurs to continue to fulfil their mandates;

2. *Strongly condemns* the mass killings and systematic human rights violations against civilians and persons deprived of their liberty for reasons related to the armed conflict, including in the areas of Mazar-e-Sharif, Bamian, Shiberghan and Maimana, as well as the reported massacre committed by the Taliban in January 2001 in Hazarajat, and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Taloqan area, resulting in the massive forced displacement of the civilian population, in particular women and children, in the Shamali Plains and north-eastern Afghanistan, and the indiscriminate destruction of their homes and agricultural land, thereby eliminating their source of income;

3. *Condemns* all interference with the delivery of humanitarian relief supplies and the substantial restrictions introduced by the Taliban on the operations of the United Nations and non-governmental organizations, and calls on all Afghan parties to ensure safe and unimpeded access for and to facilitate the delivery of humanitarian assistance, in particular the supply of food, medicines, shelter and health care, throughout Afghanistan;

4. *Notes with deep concern*:

(*a*) The continuing pattern of human rights violations in Afghanistan and that the country is therefore in a deep human rights crisis affecting every aspect of life;

(*b*) The continuation of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, including on the grounds of ethnicity, and which hinder the return of the internally displaced to their homes;

(*c*) The markedly increased flow and the continued displacement of millions of Afghan refugees to Pakistan, the Islamic Republic of Iran and other countries, while recognizing with appreciation efforts undertaken in host countries to ease the plight of Afghan refugees, *inter alia* in the fields of health and education, underlining the importance of the fulfilment of obligations under international human rights law with regard to asylum-seekers, and urging the international community to make funds available, recognizing the scale and severity of the problem and host countries to create conditions in which the existing and additional funding secured by relief agencies and non-governmental organizations can be disbursed to the most needy and newly arrived refugees, while continuing to provide assistance to internally displaced persons within Afghanistan;

(*d*) The sharp deterioration of the humanitarian situation in Afghanistan, in particular in the Shamali Plains, the Panjshir Valley and the north-east of the country, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

(*e*) The recent reports, which have been denied by the Taliban, of summary executions of prisoners in areas held by the Taliban, in the north of Afghanistan and in Samangan Province, and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating these allegations;

5. *Condemns*:

(*a*) The widespread violations and abuses of international human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, and the conscription or enlistment of children or their use as participants in hostilities in violation of international standards;

(*b*) The continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly in areas under the control of the Taliban where findings of further gross violations of the human rights of women and girls include abductions and kidnappings, as well as accounts of many instances of forced marriage and of trafficking;

(*c*) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, and in particular the reported executions of civilians in Yakawlang by the Taliban forces;

(*d*) The violations by the Taliban in Kandahar of United Nations immunity granted by the 23 October 1998 agreement, which compelled the United Nations to stop work in the area;

(*e*) The delay in the trial of the alleged murderers of officials of the United Nations Special Mission to Afghanistan killed in Afghanistan in 1998 while on duty, and urges the Taliban promptly to set up the relevant legal proceedings;

6. *Reiterates its condemnation* of the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil its stated commitment to cooperate in urgent investigations of these heinous crimes and to bring those responsible to justice;

7. *Stresses*:

(*a*) The need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

(*b*) In the same context, the need for humanitarian assistance from the international community as a means of averting further deterioration of the humanitarian situation;

8. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, fuel for military purposes, training or any other military support, including providing any foreign military personnel, to all parties to the conflict;

9. *Urges* all the Afghan parties:

(*a*) To respect fully all human rights and fundamental freedoms of all, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(*b*) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the Special Mission with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative government through the full exercise by the Afghan people of the right to self-determination;

(*c*) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(*d*) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfil their duty to cooperate with the United Nations mine action programme and to protect its personnel;

(*e*) To prohibit the conscription or enlistment of children or their use as participants in hostilities in violation of international standards and to ensure the disarming, demobilization and reintegration into society of children;

(*f*) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(*g*) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations and non-governmental organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender, nationality or religion, with the United Nations and associated bodies, as well as with other humanitarian organizations, agencies and non-governmental organizations, in order to facilitate full resumption of their cooperation;

(*h*) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention of any person, including of civilian foreign nationals and non-criminal civilian and political prisoners, and urges their captors to release them;

10. *Urges* the Taliban to avoid any discrimination on the basis of ethnic origin against people wishing to leave the country and to seek asylum abroad;

11. *Urges* all the Afghan parties, and in particular the Taliban, to bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

(*a*) The repeal of all legislative and other measures which discriminate against women and girls and those which impede the realization of all their human rights;

(*b*) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(*c*) Respect for the equal right of women to work, and their reintegration in employment, including in the specialized agencies of the United Nations system and human rights organizations;

(*d*) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(*e*) Respect for the equal right of women and girls to security of person and that those responsible for physical attacks on women and girls be brought to justice;

(*f*) Respect for the freedom of movement of women and girls;

(*g*) Respect for effective and equal access by women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

12. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross and other humanitarian organizations throughout the territory of Afghanistan;

13. *Recalls* that it had invited the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of persons deprived of their liberty for reasons related to the armed conflict and of civilians, and of rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations and, noting the summary of the report on the investigations, as a preliminary response, expresses its deep regret to all the parties for the unsatisfactory results;

14. *Welcomes* the deployment of the Civil Affairs Unit of the United Nations Special Mission to Afghanistan and its ongoing dialogue on political and human rights issues with high-ranking representatives of the local and regional authorities of both sides to the Afghan conflict;

15. *Invites*:

(*a*) The Secretary-General to exert efforts to ensure a gender perspective in the selection of the staff of the Special Mission in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;

(*b*) The Special Rapporteur to continue to pay special attention to the human rights of women and children and to incorporate fully a gender perspective in his report to the Commission at its fifty-eighth session;

(*c*) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, *inter alia*, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

16. *Appeals* to Member States and to organizations and programmes of the United Nations system, specialized agencies and other international organizations, whenever the situation on the ground permits and as part of an overall effort to achieve peace:

(*a*) To consider responding positively to the United Nations appeal for Afghanistan for 2001 and to provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, in a spirit of burden-sharing, and to take special care to ensure that this assistance is provided evenly throughout Afghan territory;

(*b*) To intensify the programme for the removal of millions of anti-personnel mines laid in Afghanistan;

(*c*) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

(*d*) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;

17. *Strongly calls upon* the Taliban to abide by its previous commitments to protect Afghanistan's cultural heritage from all acts of vandalism, damage and theft, to withdraw its edict and to take immediate action to prevent the further destruction of the irreplaceable relics, monuments and artefacts of this heritage;

18. *Urges* all the Afghan parties to extend their cooperation to the Commission and its Special Rapporteur on the situation of human rights in Afghanistan and all those special rapporteurs who are seeking invitations, and to facilitate the access of the Special Rapporteur to all sectors of society and to all parts of the country;

19. *Requests*:

(*a*) The Secretary-General to give all necessary assistance to the Special Rapporteur and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(*b*) The High Commissioner to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

20. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-eighth session;

(*b*) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, at its fifty-eighth session under the same agenda item.

63rd meeting
18 April 2001
[Adopted without a vote. See chap. IX.]

2001/14. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war, *Recalling*:

(*a*) Previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 55/115 of 4 December 2000 and Commission resolution 2000/17 of 18 April 2000,

(*b*) Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000 and 1330 (2000) of 5 December 2000, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, and 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, *inter alia* removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee on its sixty-first to sixty-third sessions (A/53/40, Vol. I, paras. 90-111), the Committee on the Elimination of Racial Discrimination on its fifty-fourth and fifty-fifth sessions (A/54/18, paras. 337-361), the Committee on Economic, Social and Cultural Rights on its sixteenth and seventeenth sessions (E/1998/22-E/C.12/1997/10, paras. 245-283), the Committee on the Rights of the Child on its eighteenth to twenty-third sessions (A/55/41, paras. 304-333) and the Committee on the Elimination of Discrimination against Women on its twenty-second and twenty-third sessions (A/55/38, paras. 166-210) on the recent reports submitted to them by Iraq, in which these treaty monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Noting the observations of the Secretary-General in his first (S/2000/347 and Corr.1) and third (S/2000/1197) reports submitted pursuant to Security Council resolution 1284 (1999), in which the Secretary-General points out the continuing refusal of the Iraqi authorities to cooperate with his High-level Coordinator for Kuwaiti and third-country nationals and Kuwaiti property,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, in particular children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/2001/42) and the observations on the general situation and the conclusions and recommendations contained therein;

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(*a*) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(*c*) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(*d*) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(*e*) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law;

(*f*) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To put an end to all summary and arbitrary executions and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(*c*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(*d*) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission;

(*e*) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*f*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(*g*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(*h*) To ensure free exercise of political opposition and prevent intimidation and repression of political opponents and their families;

(*i*) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkok and Khanaquin, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms of all citizens, including the Shia population;

(*j*) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to cooperate with the High-level Coordinator of the Secretary-General for Kuwaiti and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(*k*) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*l*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1302 (2000) and 1330 (2000), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Council resolution 1284 (1999), to continue its efforts to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, in order to address effectively the needs of persons requiring special attention, such as children, pregnant women, the disabled, the elderly and the mentally ill, among others, further to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(*m*) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

5. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(*c*) To continue its consideration of the situation of human rights in Iraq at its fifty-eighth session under the same agenda item.

63rd meeting
18 April 2001
[Adopted by a roll-call vote of 30 votes to 3,
with 19 abstentions. See chap. IX.]

2001/15. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Welcoming the cooperation extended to the Special Envoy of the Secretary-General as well as to the newly appointed Special Rapporteur during their respective recent visits to Myanmar, while regretting the failure of the Government of Myanmar to cooperate fully with some of the relevant United Nations mechanisms, in particular the former Special Rapporteur,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the former Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war as well as the 1930 Convention concerning forced or compulsory labour (No. 29) and the 1948 Convention concerning freedom of association and protection of the right to organize (No. 87) of the International Labour Organization,

Recalling the resolution adopted by the International Labour Conference at its eighty-seventh session on the widespread use of forced labour in Myanmar, and also the resolution adopted by the Conference at its eighty-eighth session foreseeing a broad range of measures aimed at ensuring the observance by Myanmar of the recommendations of the Commission of Inquiry established to examine the application of the Convention concerning forced or compulsory labour, which came into effect on 30 November 2000,

Recalling previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 55/112 of 4 December 2000 and Commission resolution 2000/23 of 18 April 2000,

1. *Welcomes*:

(*a*) The interim report of the former Special Rapporteur on the situation of human rights in Myanmar (A/55/359), the observations on the situation and the recommendations contained therein;

(*b*) The initial observations presented to the Commission by the newly appointed Special Rapporteur on the situation of human rights in Myanmar;

(*c*) The assistance of the Government of Myanmar in facilitating the recent exploratory visit by the newly appointed Special Rapporteur to Myanmar, and hopes that the Special Rapporteur soon will be able to return to Myanmar in order to discharge his mandate fully;

(*d*) The report of the Secretary-General on the visit of his Special Envoy to Myanmar (A/55/509), and endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation and supports his efforts to achieve such a dialogue;

(*e*) The initiation of contacts between the Government and Aung San Suu Kyi, Secretary-General of the National League for Democracy, and hopes that such talks will be extended at an appropriate time to include, among others, representatives of ethnic minorities and thereby will facilitate broad-based and inclusive national reconciliation and the restoration of democracy;

(*f*) The release from detention of a number of democratic political activists;

(*g*) The continued cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

(*h*) The reopening of some university courses, but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights, and concerned at the reduction in the length of the academic year, the division and separation of the student population to distant campuses and inadequate allocation of resources;

2. *Notes* the establishment by the Government of Myanmar of a preparatory process for a human rights committee and encourages it to continue this process in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

3. *Expresses its grave concern*:

(*a*) At the systematic policy of the Government of Myanmar of persecuting the democratic opposition, National League for Democracy members and their families, as well as ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention, abuse of the legal system, including harsh long-term prison sentences, which has forced many to refrain from exercising their legitimate political rights;

(*b*) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek constructive means to promote national reconciliation and to restore democracy, including through the establishment of a time-frame for action;

(*c*) That the Government of Myanmar has failed to cease its widespread and systematic use of forced labour of its own people and to meet all three recommendations of the International Labour Organization on that issue; this failure has compelled the International Labour Organization strictly to limit further cooperation with the Government and has prompted the International Labour Conference to adopt a resolution recommending that international organizations reconsider any cooperation with Myanmar and that Governments, employers and workers take appropriate measures to ensure that the Government of Myanmar cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry established to examine the observance of the Convention concerning forced or compulsory labour (No. 29);

4. *Deplores*:

(*a*) The deterioration of the human rights situation and the continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and denial of freedom of assembly, association, expression and movement;

(*b*) The lack of independence of the judiciary from the executive and the wide disrespect of the rule of law, including of the basic guarantees of due process, especially in cases involving exercise of political and civil rights and freedoms, resulting in arbitrary arrests and detentions, non-existence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secrecy and without proper legal representation, want of knowledge by the family and counsel of the accused about the sentence and detentions beyond the end of prison sentences;

(*c*) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to minorities, including extrajudicial executions, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine, Chin and Shan States and in Tenasserim Division, use of anti-personnel landmines, destruction of crops and fields, and dispossession of land and property, which deprive these persons of all means of subsistence and result in large-scale displacement of persons and flows of refugees to neighbouring countries, and an increasing number of internally displaced persons;

(*d*) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation, often committed by military personnel, and especially directed towards women who are returning refugees, internally displaced or belong to ethnic minorities or the political opposition;

(*e*) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their sexual exploitation and through recruitment and all other exploitation by the military, through discrimination against children belonging to ethnic and religious minority groups and elevated rates of infant and maternal mortality and malnutrition;

(*f*) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

5. *Calls upon* the Government of Myanmar:

(*a*) To develop further a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(*b*) To continue to cooperate with the Secretary-General or his representative and to implement their recommendations;

(*c*) To cooperate fully with all United Nations representatives, in particular to develop further the contacts established with the newly appointed Special Rapporteur, to allow him, without preconditions, to return to Myanmar in the near future and to conduct a field mission furthering his contacts with the Government and all other relevant sectors of society, and thus enable him fully to discharge his mandate;

(*d*) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

6. *Strongly urges* the Government of Myanmar:

(*a*) To implement fully the recommendations made by the Special Rapporteur;

(*b*) To ensure full respect for all human rights and fundamental freedoms, including economic, social and cultural rights;

(*c*) In particular to ensure full respect for the freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being and to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

(*d*) To take urgent and concrete measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to extend the talks initiated with Aung San Suu Kyi, Secretary-General of the National League for Democracy, to a genuine and substantive dialogue with all the leaders of political parties and of ethnic minorities, with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(*e*) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives, the prevention of intimidation and repression of political opponents and enabling the building up of a pluralistic civil society with the active participation of its members;

(*f*) To release immediately and unconditionally those detained or imprisoned for political reasons, including those in "government guest houses", as well as journalists, and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(*g*) To improve conditions of detention, in particular in the field of health protection, and to eliminate unnecessary restrictions imposed on the detainees;

(*h*) To ensure the safety and well-being and freedom of movement of all political leaders, including Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders;

(*i*) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(*j*) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(*k*) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, to end the use of children as soldiers and to avail themselves of services offered by impartial humanitarian bodies;

(*l*) To implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry and to re-enter into a dialogue with the International Labour Organization and invite the organization to establish a presence in Myanmar in order to enable it to verify that such measures are taken;

(*m*) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(*n*) To end the enforced displacement of persons and other causes of internal displacement and refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(*o*) To fulfil its obligations to restore the independence of the judiciary and due process and to end impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged breaches of international humanitarian and human rights law committed by government agents in all circumstances;

7. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(*c*) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 55/112 and of the present resolution;

(*d*) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(*e*) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(*f*) To continue its consideration of this question at its fifty-eighth session.

63rd meeting
18 April 2001
[Adopted without a vote. See chap. IX.]

2001/16. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolutions 1999/8 of 23 April 1999 and 2000/25 of 18 April 2000,

Reaffirming the obligation of all Member States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Taking into account that no satisfactory improvements have been made thus far by the Government of Cuba in the field of human rights,

Mindful that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reasserting its obligation to promote and protect human rights on the basis of the universal nature of the Universal Declaration of Human Rights, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Stressing the need for a constructive and open dialogue on human rights between both the people and Government of Cuba and the international community as an essential precondition for emerging from the status quo towards a better future,

Convinced that there is a substantial link between political pluralism and good governance, on the one hand, and economic prosperity, on the other, because their common denominator is human freedom, *Recognizing* that, in order to support human rights and economic well-being in Cuba, Member States should take steps to improve the economic condition of the Cuban people,

Recognizing also the need to respect and guarantee civil and political rights and to strive to bring about full enjoyment of economic, social and cultural rights,

Expressing its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and the rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government of Cuba in the past few years,

1. *Calls once again upon* the Government of Cuba to ensure respect for human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;

2. *Calls upon* the Government of Cuba to honour the commitment to democracy and respect for human rights it made at the Sixth Ibero-American Summit, held in Santiago and Viña del Mar, Chile, in November 1996, a commitment reiterated at the Ninth Ibero-American Summit in Havana in November 1999 and an identical commitment, made at the first Summit between Heads of State or Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro in June 1999, contained in the Rio Declaration adopted by the Summit;

3. *Expresses the hope* that further positive steps will be taken with regard to all human rights and fundamental freedoms;

4. *Notes* certain measures taken by Cuba to enhance freedom of religion and calls upon the Cuban authorities to continue taking appropriate measures in this regard;

5. *Calls upon* the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

6. *Expresses once again its concern* about practical consequences of the adoption of the Law for the Protection of the National Independence and Economy of Cuba, and regrets the other steps taken by the Government of Cuba that are inconsistent with the Universal Declaration of Human Rights and other relevant human rights instruments;

7. *Takes note* of the conditional release of three members of the Grupo de Trabajo de la Disidencia Interna;

8. *Stresses*, however, its deep concern about the continued repression of members of the political opposition and about the detention of dissidents and all other persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their right to full and equal participation in public affairs, and calls upon the Government of Cuba to release all those persons;

9. *Calls upon* the Government of Cuba to open a dialogue with the political opposition, as already requested by several groups;

10. *Invites* the Government of Cuba to afford the country full and open contact with other countries, in order to ensure the enjoyment of all human rights for all Cuban people by utilizing international cooperation, by allowing a freer flow of people and ideas and by drawing on the experience and support of other nations;

11. *Recommends*, in this context, that the Government of Cuba take advantage of the technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights;

12. *Calls upon* the Government of Cuba also to cooperate with other mechanisms of the Commission;

13. *Also calls upon* the Government of Cuba to grant invitations to thematic mechanisms of the Commission on Human Rights to visit Cuba, including the Special Rapporteur on the promotion and protection of the freedom of opinion and expression and the Special Rapporteur on the question of torture;

14. *Decides* to consider this matter further at its fifty-eighth session under the same agenda item.

63rd meeting
18 April 2001
[Adopted by a roll-call vote of 22 votes to 20,
with 10 abstentions. See chap. IX.]

2001/17. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and fulfil the obligations they have undertaken under the various international instruments in this field, *Mindful* that the Islamic Republic of Iran is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and its own resolutions on the subject, the most recent of which are Assembly resolution 55/114 of 4 December 2000 and Commission resolution 2000/28 of 18 April 2000,

1. *Welcomes* the report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2001/39);

2. *Notes with interest* the assessment of the Special Representative that certain foundational improvements have taken place in areas such as women's education, democracy, and health, and that the trend is now irreversible, and hopes that this trend will be further consolidated and also include other areas during the coming year;

3. *Deeply regrets* that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country and strongly urges the Government to invite the Special Representative and resume its full cooperation with him, in particular so that he can, through direct contacts with all sectors of society, observe the evolution of the human rights situation in the country and assess future needs, including in the area of technical cooperation in the field of human rights;

4. *Welcomes* improvements in the field of women's education, health and democratic participation in the Islamic Republic of Iran and the efforts made by the Sixth Majlis to improve the status of women and girls, in particular a bill to raise the age of marriage and a bill to remove the existing ban on unmarried women studying abroad, but is deeply concerned that many of these efforts have not yet been promulgated as law, which would be a step towards ending the systemic discrimination against women and girls in law and in practice and the obstacles to the full and equal enjoyment by women and girls of their human rights;

5. *Warmly welcomes* the positive developments regarding the situation of Iranian children in the fields of education, health and juvenile justice, as reported by the United Nations Children's Fund and the Special Representative, and strongly encourages the Government of the Islamic Republic of Iran to implement the recommendations made by the Committee on the Rights of the Child in its report on its twenty-fourth session (CRC/C/97, paras. 22-76) as a matter of priority, as well as to consider ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

6. *Also welcomes* the reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths;

7. *Notes with interest* the announcement that the Office of the Public Prosecutor will be re-established, as well as the work of the so-called "Article 90 Commission" of the Iranian

Parliament which investigates, among other things, complaints against the judiciary, has taken the initiative in following up some cases with a political background and demands due process of law;

8. *Notes* that government agents accused of involvement in the suspicious deaths and killings of intellectuals and political activists have been convicted, while regretting that all the circumstances surrounding the killings have still not been fully clarified, and urges the Government of the Islamic Republic of Iran to continue the process of investigation and to bring alleged perpetrators to justice in accordance with due process of law;

9. *Notes* recent positive steps regarding the situation of the Baha'is, including the report that they will be allowed to re-establish their cemetery in Tehran, but expresses its concern at the still-existing discrimination against persons belonging to minorities, in particular against Baha'is, and calls upon the Government of the Islamic Republic of Iran to eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities and to address this matter in an open manner with the full participation of the minorities themselves, as well as to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority groups until they are completely emancipated;

10. *Calls upon* the Islamic Republic of Iran to continue its efforts to consolidate respect for human rights and the rule of law and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

11. *Recognizes* the efforts made by the Government of the Islamic Republic of Iran to strengthen the respect for human rights in the country, but expresses its continuing concern at the violations of human rights in the Islamic Republic of Iran, in particular the recent deterioration of the situation with regard to freedom of opinion and expression, especially attacks against the freedom of the press, the harsh sentences imposed on those who participated in the conference held in Berlin in April 2000, the imprisonment of journalists and the harsh reactions to student demonstrations, including their imprisonment and mistreatment, and urges all Iranian authorities to ensure full respect for freedom of expression;

12. *Deplores* the continued executions in the apparent absence of respect for internationally recognized safeguards, in particular public and especially cruel executions, and urges the Government of the Islamic Republic of Iran to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

13. *Calls upon* the Government of the Islamic Republic of Iran to take all necessary steps to end the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation, and to carry out penitentiary reform;

14. *Expresses its concern* over the still unsatisfactory compliance with international standards in the administration of justice and the absence of due process of law and the use of national security laws to deny the rights of the individual, and strongly urges the Government of the Islamic Republic of Iran to expedite the judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary and, in this context, to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups; in this context the fate of the convicted in the Shiraz trial is still a matter of concern;

15. *Encourages* the Islamic Human Rights Commission to continue and increase its essential work to enhance the human rights situation in the Islamic Republic of Iran;

16. *Calls upon* the Government of the Islamic Republic of Iran to give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, as well as to consider extending invitations to other relevant thematic mechanisms to visit the country;

17. *Decides* to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and also to keep a gender perspective in mind when seeking and analysing information;

18. *Requests* the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

19. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-eighth session under the same agenda item.

68th meeting
20 April 2001
[Adopted by a roll-call vote of 21 votes to 17,
with 15 abstentions. See chap. IX.]

2001/18. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal

Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan, most recently Commission resolution 2000/27 of 18 April 2000, and taking note of Assembly resolution 55/116 of 4 December 2000,

Welcoming the Peace Agreement of 1997 for the Sudan, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in January 2000, while deeply concerned at the breakdown of the ceasefire in June 2000, at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Army/Movement on the situation of human rights, and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. *Welcomes:*

(*a*) The interim report of the former Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fifth session (A/55/374) and the recent appointment of a new Special Rapporteur;

(*b*) The full cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visit to the Sudan in March 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(*c*) The technical cooperation agreement signed on 29 March 2000 by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights, and the posting of an expert from the Office to the Sudan, with the task of advising the Government on the development of national capacity to promote and protect human rights;

(*d*) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(*e*) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, and the establishment of the Constitutional Court, which has been in operation since April 1999;

(*f*) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(*g*) The adoption of the Associations and Political Parties Act of 2000;

(*h*) The efforts to implement the right to education;

(*i*) Leniency measures by the Government of the Sudan which led to the release of a large number of imprisoned women;

(*j*) The shelter given by the Sudan to refugees;

(*k*) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in southern Sudan;

(*l*) The specific initiatives towards national reconciliation, including amnesty for soldiers of the National Democratic Alliance;

(*m*) The measures taken by the Government of the Sudan which resulted in the return of opposition members;

(*n*) The recent appointment of members of several political parties to the Cabinet of Ministers;

(*o*) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to United Nations humanitarian agencies, including within the context of Operation Lifeline Sudan, to mitigate the effects of war on civilians, and emphasizes the need to strengthen further the support to United Nations humanitarian agencies;

(*p*) The invitation to the Representative of the Secretary-General on internally displaced persons and the readiness of the Government of the Sudan to facilitate his planned visit, as well as the commitment to continue the efforts to address the problem of internally displaced persons;

(*q*) The constructive dialogue on human rights issues between the Government of the Sudan and various concerned parties;

2. *Expresses its deep concern:*

(*a*) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription by the Sudanese People's Liberation Army, forced displacement, arbitrary detention, torture and ill-treatment of civilians, and of still-unresolved cases of enforced or involuntary disappearances;

(iii) The increasing number of internally displaced persons, in particular women and children, and the alleged harassment of these vulnerable groups;

(iv) The abduction of women and children to be subjected to forced labour or similar conditions;

(v) The widespread and indiscriminate aerial bombardments by the Government of the Sudan, particularly bombings of schools and hospitals, which seriously and repeatedly affect the civilian population and civilian installations;

(vi) The use by the Sudanese People's Liberation Army of civilian premises for military purposes;

(vii) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(viii) The forced displacements of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

(ix) The conditions, in contravention of humanitarian principles, imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in areas under its control;

(x) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of harassment, indiscriminate aerial bombings and the reopening of hostilities;

(xi) The attacks on and use of force against United Nations as well as humanitarian personnel, by the Sudanese People's Liberation Army;

(*b*) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, association and peaceful assembly;

(ii) The arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs, and the provisional amendment, which came into force, in December 2000, of the National Security Forces Act, in which the period of detention without judicial review was extended to six months;

(iii) The detention in precarious conditions, use of torture, and violations of human rights by the security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(iv) The extent of the use of most cruel forms of corporal punishment in contravention of human rights norms and standards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(*a*) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(*b*) To take immediate steps in order to put in place a global, lasting and effectively monitored ceasefire as a first step towards a negotiated settlement to the conflict;

(*c*) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which run counter to principles of international humanitarian law;

(*d*) In particular the Government of the Sudan, to cease immediately all indiscriminate aerial bombardments of the civilian population and civilian installations, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(*e*) In particular the Sudanese People's Liberation Army, to abstain from using civilian premises for military purposes and misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(*f*) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Western Upper Nile, the Blue Nile State, Bahr-el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to lift as soon as possible conditions it has imposed on the work of international agencies and humanitarian organizations;

(*g*) To resume the peace talks immediately and to engage in accelerated and sustained peace negotiations under the auspices of the Intergovernmental Authority on Development;

(*h*) Not to use or recruit children under the age of eighteen as soldiers, encourages the process of demobilization of child soldiers currently being undertaken by the Sudanese People's Liberation Army/Movement together with the United Nations Children's Fund, and urges the Sudanese People's Liberation Army/Movement not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(*i*) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children, as well as the abduction and exploitation of children, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(*j*) To allow an independent investigation of the condemned murder of four Sudanese relief workers who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in custody of the Sudanese People's Liberation Army/Movement, and urges the Sudanese People's Liberation Army/Movement to return their bodies to their families;

(*k*) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development and, in this context, urges the Sudanese People's Liberation Army/Movement to commit itself to a permanent ceasefire;

4. *Calls upon* the Government of the Sudan:

(*a*) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(*b*) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*c*) To undertake efforts towards signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women;

(*d*) To undertake efforts towards strengthening an environment which is more conducive to democratization and to improvements in the field of human rights by lifting the state of emergency;

(*e*) To strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(*f*) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(*g*) To ensure full respect for freedom of religion and, in this respect, consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, and to remove obstacles to permission for the construction of religious buildings;

(*h*) To implement fully existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(*i*) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(*j*) To implement the Standard Minimum Rules for the Treatment of Prisoners and to continue to give special consideration to imprisoned women and juveniles;

(*k*) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for these violations;

(*l*) To reinforce the action undertaken to prevent or stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice, in particular through the Committee with which all concerned have the responsibility and the duty to cooperate;

(*m*) To make further efforts effectively to address the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(*n*) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;

(*o*) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(*p*) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General on the impact of armed conflict on children not to recruit children under the age of eighteen as soldiers;

5. *Urges* the relevant authorities to take all necessary measures to avoid and limit the most cruel forms of corporal punishment in particular by applying alternative punishment and taking into account attenuating circumstances to the maximum extent possible provided for in national legislation and consistent with international human rights norms and standards;

6. *Encourages* the Government of the Sudan to continue its cooperation with the United Nations in the field of human rights, through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law;

8. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

68th meeting
20 April 2001
[Adopted by a roll-call vote of 28 votes to none,
with 25 abstentions. See chap. IX.]

2001/19. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949 for the protection of victims of war and Additional Protocol I of 1977 thereto, as well as to the African Charter on Human and Peoples' Rights,

Noting General Assembly resolution 55/117 of 4 December 2000 and previous resolutions of the Assembly and the Commission on the subject, as well as Security Council resolutions 1304 (2000) of 16 June 2000, 1332 (2000) of 14 December 2000 and 1341 (2001) of 22 February 2001,

Recalling the Ceasefire Agreement signed at Lusaka, as well as the Kampala plan and Harare sub-plans for disengagement and redeployment, *Concerned* at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as mentioned in the reports of the Special Rapporteur, including acts of and incitement to ethnic hatred and violence,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation in the country has not yet allowed such a mission,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system in accordance with relevant international conventions, and to put an end to the trying of civilians by the Military Court,

Welcoming the dialogue initiated between the authorities of the Democratic Republic of the Congo and Burundi, urging them to continue their efforts and emphasizing in this respect that the settlement of the crisis in Burundi would contribute positively to the settlement of the conflict in the Democratic Republic of the Congo,

1. *Welcomes*:

(*a*) The commitments made by the parties in Lusaka on 15 February 2001, as well as at the meeting between members of the Political Committee of the Lusaka Ceasefire Agreement and the Security Council on 21 and 22 February 2001, and the recent progress made in achieving respect for the ceasefire, and urges all parties to respect their agreement to disengage and not to resume hostilities;

(*b*) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2001/40 and Add.1);

(*c*) The visit by the Special Rapporteur to the country from 13 to 25 August 2000 at the invitation of the Government and the cooperation of the Government in this regard, and the recent mission undertaken by the Special Rapporteur from 11 to 21 March 2001 in order to evaluate the current situation in the country;

(*d*) The visit by the High Commissioner from 1 to 3 October 2000;

(*e*) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government to work with and to strengthen further its cooperation with the Office;

(*f*) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and measures undertaken by the Government in this respect, and encourages other parties to the conflict to do the same;

(*g*) The release and repatriation, carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, and of prisoners of war;

(*h*) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Ceasefire Agreement signed at Lusaka;

(*i*) The expressed willingness of the authorities of the Democratic Republic of the Congo to proceed with the National Dialogue under the aegis of Sir Ketumile Masire, as neutral Facilitator, provided for in the Ceasefire Agreement;

(*j*) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the Mission;

(*k*) The announcement by President Kabila that the Military Court shall no longer deal with civilian cases and that all detention centres not under the control of the Public Prosecutor's Office shall be closed, and urges continued progress to implement these commitments in full;

(*l*) The agreement reached between the leaders of the Hema and the Lendu communities in February 2001;

(*m*) President Kabila's recently stated commitment for change, including his participation at the fifty-seventh session of the Commission, while hoping that the announced National Conference on Human Rights will have broad-based participation and will result in concrete improvements in the human rights situation, and encourages President Kabila to translate his commitment into concrete action;

2. *Expresses its concern*:

(*a*) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

(*b*) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and at the continuing violations of human rights and international humanitarian law, including atrocities against civilian populations, committed, often with impunity, by all parties in the conflict throughout the territory of the Democratic Republic of the Congo, while stressing in this context that occupying forces should be held responsible for human rights violations in territory under their control, and in particular condemns:

(i) The continued perpetration of massacres and atrocities in the Democratic Republic of the Congo, which constitute indiscriminate and disproportionate use of force, in particular those occurring recently in Katogata, Kamanyola, Lurbarika, Luberezi, Cidaho, Uvira, Shabunda, Lusenda-Lubumba, Lulingu and Butembo;

(ii) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms;

(iii) The widespread use of sexual violence against women and children, including as a means of warfare;

(iv) The continued recruitment and use of child soldiers by armed forces and groups including cross-border recruitment and abduction of children throughout the territory of the Democratic Republic of the Congo, in particular in North and South Kivu and in the Orientale Province;

(v) The trial of civilians and the imposition and execution of the death penalty by the Military Court in disregard of the obligations the Democratic Republic of the Congo has assumed under the International Covenant on Civil and Political Rights;

(vi) The summary sentencing to death, and executions carried out by the Congolese Rally for Democracy (Goma);

(vii) The indiscriminate attacks on civilian populations, including on hospitals;

(viii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(*c*) The conflicts between the Hema and the Lendu ethnic groups in Orientale Province, where thousands of Congolese have already been killed and where Uganda, in de facto control of the area, is responsible for upholding respect for human rights;

(*d*) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(*e*) The violations of the freedoms of expression, opinion, association and assembly in the whole territory of the Democratic Republic of the Congo;

(*f*) The harassment and persecution of human rights defenders and other members of civil society;

(*g*) Acts of intimidation and persecution of representatives of the Churches, as well as the killings of these persons in the eastern part of the country;

(*h*) The severe insecurity which seriously affects the ability of humanitarian organizations to secure access to affected populations;

(*i*) Reports of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To facilitate the re-establishment, without delay, of the sovereignty and territorial integrity of the Democratic Republic of the Congo in accordance with the Ceasefire Agreement signed at Lusaka and relevant Security Council resolutions;

(*b*) To implement fully the Ceasefire Agreement, including the plan and subplans agreed in Kampala and Harare, in accordance with the new timetable agreed by the parties at the meeting between Members of the Political Committee of the Ceasefire Agreement and the Security Council on 21 and 22 February 2001;

(*c*) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions, of 12 August 1949, for the protection of war victims and the Additional Protocols thereto of 1977, the Hague Convention of 18 October 1907 concerning the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(*d*) To ensure the safety, security and freedom of movement of United Nations and associated personnel and the unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(*e*) To cease all military activity in the Democratic Republic of the Congo which is in breach of the Ceasefire Agreement;

(*f*) To put an immediate end to the recruitment and use of child soldiers, which is in contravention of international human rights standards, and to extend full cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, the

United Nations Children's Fund, the Special Representative of the Secretary-General on the impact of armed conflict on children, and humanitarian organizations for the speedy demobilization, return and rehabilitation of such children;

(*g*) To take and implement all necessary measures to create conditions for the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(*h*) To allow free and secure access to areas under their control in order to permit investigations of violations of human rights and international human rights law;

(*i*) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and with the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(*a*) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory, to fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(*b*) To fulfil its commitments to reform and restore the judicial system, including its declared intention progressively to abolish the death penalty, and to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights;

(*c*) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(*d*) To create conditions, in accordance with its commitments as stipulated in the Ceasefire Agreement signed at Lusaka, that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, and to complete the procedures required to permit the activities of political parties and to prepare for the holding of democratic, transparent, free and fair elections;

(*e*) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(*f*) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(*g*) To continue to facilitate and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(*h*) To cooperate fully with the International Tribunal for Rwanda in ensuring that all responsible for the genocide, crimes against humanity and violations of article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto are brought to justice in accordance with international principles of due process;

(*i*) To continue to facilitate the conditions for the safe deployment of the United Nations Organization Mission in the Democratic Republic of the Congo and ensure the security and freedom of movement of its personnel and other associated personnel;

5. *Decides:*

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request him to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the most recent and in previous reports of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session;

(*c*) To request the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and to the joint mission, to enable them to discharge their mandates fully;

(*d*) To request the High Commissioner to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue to expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo, and to facilitate the activities of the joint mission, including through voluntary funding;

6. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 12.]

68th meeting
20 April 2001
[Adopted without a vote. See chap. IX.]

2001/20. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights, and that Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, and taking note of Council resolutions 1313 (2000) of 4 August 2000, 1315 (2000) of 14 August 2000 and 1346 (2001) of 30 March 2001, and recalling its own resolution 2000/24 of 18 April 2000, *Taking note* of the Peace Agreement signed at Lomé on 7 July 1999 and recalling that the Special Representative of the Secretary-General entered a reservation, attached to his signature of the Peace Agreement, that the United Nations holds the understanding that the amnesty provisions of the Peace Agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law,

Expressing deep concern regarding the continuing violations of human rights and international humanitarian law perpetrated in Sierra Leone by the Revolutionary United Front and others, including other armed groups, particularly against civilians, including abducted women and children,

Expressing concern about the continuing fragile security and human rights situation in Sierra Leone and neighbouring States exacerbated by ongoing violence and tensions in border regions,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation for the promotion and protection of human rights,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

1. *Welcomes:*

(*a*) The report of the United Nations High Commissioner for Human Rights to the General Assembly (A/55/36), the report of the High Commissioner to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2001/35) and the fourth to ninth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2000/455, S/2000/751, S/2000/832 and Add.1, S/2000/1055, S/2000/1199 and S/2001/228), in particular those findings and recommendations related to the human rights and humanitarian situation in Sierra Leone, as well as in neighbouring countries;

(*b*) The activities of the Mission, which was established by Security Council resolution 1270 (1999) and expanded by Council resolution 1299 (2000) of 19 May 2000 with the mandate, *inter alia*, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

(*c*) The Agreement on Ceasefire and Cessation of Hostilities signed between the Government of Sierra Leone and the Revolutionary United Front on 10 November 2000 in Abuja, including the responsibilities contained therein, which provides, *inter alia*, for the Mission to monitor the ceasefire declared under the Agreement and to have full liberty to deploy throughout the territory of Sierra Leone, and for the restoration of government authority and the unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(*d*) The work of the Human Rights Section of the Mission aimed at promoting a culture of human rights protection in Sierra Leone, including its activities with all forces that have been engaged in the conflict;

(*e*) The initiatives being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to prepare for the early establishment of an effectively functioning truth and reconciliation commission, and reiterates the continued need for further efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(*f*) The steps taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, including the establishment of an independent statutory national human rights commission, and reiterates the continued need for greater capacity-building to further develop human rights institutions;

(*g*) The renewed efforts of the High Commissioner to implement the preparatory phase of the Truth and Reconciliation Commission and, in this regard, notes the recommendations of the national workshop on the Truth and Reconciliation Commission held in Freetown on 16 and 17 November 2000;

(*h*) The draft agreement between the Secretary-General and the Government of Sierra Leone for the creation of an independent Special Court, pursuant to Security Council resolution 1315 (2000), to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996, and stresses the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission, including with respect to the involvement of juvenile offenders and child witnesses in their processes, and to ensure that a gender perspective is integrated into the work of the Truth and Reconciliation Commission and the Special Court;

(*i*) The appeal of the Secretary-General for contributions and pledges to the proposed United Nations Trust Fund for the Special Court;

(*j*) The expert round table facilitated by the High Commissioner, to be held in Freetown to address the relationship between the proposed Special Court and the Truth and Reconciliation Commission;

(*k*) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that will help end the conflict and bring about the processes of reintegration and reconciliation within Sierra Leonean society;

(*l*) The continuing implementation of the Sierra Leone Human Rights Manifesto of June 1999 by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, representatives of civil society, the Special Representative of the Secretary-General and the High Commissioner, recognizing that the Manifesto contains an important basic framework for the promotion of human rights;

(*m*) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(*n*) The continued deployment of child protection advisers within the Mission to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children, and notes with encouragement the recent release of children from detention;

(*o*) The assistance provided by the High Commissioner, the Mission and the international community to the Government of Sierra Leone in addressing its human rights obligations;

(*p*) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those in the field of medical assistance and relief activities focused on assistance to populations affected by the conflict, and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

(*q*) The visits of the International Committee of the Red Cross, pursuant to an agreement with the Government of Sierra Leone, to detained persons, as well as its efforts in promoting respect for international humanitarian law with all parties involved, and encourages further development of cooperation in these areas;

(*r*) The signature by the Government of Sierra Leone on 8 September 2000 of the Optional Protocols to the Convention on the Rights of the Child on involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, as well as the commitment by the army of Sierra Leone prohibiting the recruitment and use of child soldiers;

2. *Expresses its grave concern:*

(*a*) At abuses of human rights and international humanitarian law that have been committed in Sierra Leone, generally with impunity, in particular atrocities against civilians, including women and children, perpetrated by the Revolutionary United Front and others, including other armed groups, including summary and extrajudicial executions, mutilations, abductions, arbitrary detention, hostage-taking, forced recruitment, forced labour, forced displacement, harassment, looting, destruction of property, attacks on and killings of journalists, and the continued detention of abductees;

(*b*) At the targeting and abuse of women and girls that have been committed in Sierra Leone by the Revolutionary United Front and others, including other armed groups, in particular murder, sexual violence, rape, including systematic rape, sexual slavery and forced marriages;

(*c*) At the continued slow pace of the disarmament, demobilization and reintegration programme, and the continuing trafficking and illegal supply of small arms and related material in contravention of Security Council resolution 1171 (1998) of 5 June 1998, as well as the continued retention by certain ex-combatants of heavy weapons;

(*d*) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by ongoing violence and tensions in border regions and resulting in very limited humanitarian access to the population, particularly in the most affected areas of the north and east of the country's border regions, as well as in border areas of neighbouring countries, and at impediments to the safe and voluntary return of affected populations to their homes;

(*e*) At the failure of the Revolutionary United Front to meet its obligations under the Peace Agreement signed at Lomé and the Agreement on Ceasefire and Cessation of Hostilities signed at Abuja, in particular those that would ensure the free movement of persons and goods throughout Sierra Leone and allow the unimpeded movement of humanitarian agencies;

3. *Deplores* the detention of, and attacks on, the United Nations Mission in Sierra Leone and humanitarian personnel by the Revolutionary United Front and other rebel forces, in particular the incidents of May 2000 which resulted in the deaths of United Nations peacekeepers;

4. *Expresses concern* at the recruitment and continuing victimization and use of child combatants, contrary to international standards, by the Revolutionary United Front and others, including other armed groups, as well as at obstacles to the disarming, demobilization and reintegration of child combatants, and reiterates its call for the cessation of the recruitment and use of children as combatants contrary to international standards;

5. *Deplores* the ongoing atrocities committed by the rebels, including murders, rape, abductions and detentions, calls for an end to all such acts and reiterates its call for the cessation of all attacks on civilians;

6. *Takes note* of recent developments aimed at facilitating the forward movement and subsequent deployment of the Mission, demands that the Revolutionary United Front fulfil all of its commitments under the Agreement on Ceasefire and Cessation of Hostilities and calls upon all the parties to the conflict in Sierra Leone to intensify their efforts towards the full and peaceful implementation of the Agreement on Ceasefire and Cessation of Hostilities and the resumption of the peace process;

7. *Urges* all parties to the conflict in Sierra Leone:

(*a*) To respect human rights and international humanitarian law, including the human rights and welfare of women and children;

(*b*) To provide full and unconditional cooperation with the Mission, including its Human Rights Section of the Mission and unconditional access for the Mission throughout the country;

(*c*) To work together to ensure full and early disarming of combatants in all areas, and to give special attention to child combatants in the disarming, demobilization and reintegration process;

(*d*) To ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;

(*e*) To cooperate with the Special Court for Sierra Leone, once established;

8. *Urges* all relevant parties in Sierra Leone and in the region to ensure full respect for human rights and fundamental freedoms in, and the civilian character of, refugee and internally displaced persons' camps, and to work towards the establishment of conditions which would permit the safe and voluntary return of affected populations to their homes;

9. *Calls upon* the Government of Sierra Leone to continue its efforts to meet its obligations to promote and protect human rights, including by:

(*a*) Continuing to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights;

(*b*) Responding positively to the requests of the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Sierra Leone;

(*c*) Ensuring the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the conflict in Sierra Leone in 1991;

(*d*) Giving priority attention to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict, in cooperation with the international community;

(*e*) Working to restore civil authority by providing basic public and social services, including security and the administration of justice, in areas where the Mission is deployed;

(*f*) Encouraging the cooperation of Sierra Leonean civil society in the establishment and functioning of the Special Court;

10. *Reiterates its call* upon the Government of Sierra Leone to investigate reports of human rights violations and abuses and to end impunity, and its requests that the Secretary-General and the High Commissioner respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses;

11. *Decides:*

(*a*) To reiterate its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;

(*b*) To request the international community to participate in the strengthening of the courts and judicial system, in particular the juvenile justice system, of Sierra Leone, as well as in the creation of a national human rights commission as soon as possible;

(*c*) To request the international community to support the Secretary-General's appeal for funds, personnel, equipment and services for the establishment and maintenance of the Special Court so that it may bring to justice those who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone since 30 November 1996;

(*d*) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court, in particular to judicial, prosecutorial and protection personnel;

(*e*) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including ensuring that the Section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(*f*) To request the High Commissioner to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to reports from the Mission;

(*g*) To consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.

69th meeting
20 April 2001
[Adopted without a vote. See chap. IX.]

2001/21. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 2000/20 of 18 April 2000,

Considering Security Council resolutions 1072 (1996) of 30 August 1996 and 1286 (2000) of 19 January 2000 as well as the statement by the President of the Security Council (S/PRST/1999/32) of 12 November 1999,

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process, *Acclaiming also* the signing of the Arusha Agreement on peace and reconciliation in Burundi on 28 August 2000,

Taking note of the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6) and the statement issued by the Presidency of the European Union on 6 March 2001, all on Burundi,

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee and its ratification by the Burundian National Assembly,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process,

Taking into account the efforts made so far in the peace process by the Government of Burundi and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process,

1. *Takes note* of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2001/44);

2. *Supports* the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians taking place under the Arusha peace process;

3. *Applauds* the facilitation work being performed by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement on peace and reconciliation in Burundi;

4. *Notes* the continuing need to make the negotiation process more inclusive;

5. *Encourages* the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;

6. *Remains concerned* at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;

7. *Condemns* the intensifying violence, especially against civilians;

8. *Supports* continuing dialogue among the signatories of the Arusha Agreement and invites those Burundian groups that have not yet signed the Arusha Agreement to join the peace process;

9. *Enjoins* all parties, including the Government of Burundi, to negotiate towards agreement on a ceasefire and a transitional government in order to complete the execution of the Arusha Agreement;

10. *Invites* all signatories and international guarantors of the Arusha Agreement to consider ways in which the armed groups could be induced to cease hostilities forthwith and join the peace process;

11. *Deplores* the unacceptable living conditions in the displaced persons sites, and recommends that the Government, United Nations agencies and non-governmental organizations provide humanitarian assistance;

12. *Welcomes* the dismantling of the regroupment camps;

13. *Notes* the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;

14. *Requests* the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for investigations and prosecutions in case of such violations;

15. *Welcomes* the entry into force of the new code of penal procedure, exhorts the Government of Burundi to continue to carry out the government plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of provisional detention and conditions in detention; in this context, also emphasizes how important it is that the commission investigating the existence and release of political prisoners, conditions in detention and the status of those held in pre-trial detention should operate effectively;

16. *Also welcomes* the continuing cooperation between the Government of Burundi and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons;

17. *Urges* all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

18. *Notes* the efforts in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, including the establishment of a government commission on human rights;

19. *Supports* the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

20. *Expresses its deep concern* at the continuing violations of human rights and international humanitarian law;

21. *Adjures* the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

22. *Condemns* all rebel attacks on humanitarian workers;

23. *Adjures* all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

24. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

25. *Encourages* the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing any further deterioration of the situation;

26. *Reaffirms* that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

27. *Commends* the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

28. *Condemns* the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

29. *Requests* States not to allow their territories to be used as bases for incursions or attacks against another State in violation of the principles of international law, including the Charter of the United Nations;

30. *Exhorts* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development when the political and security situation permits;

31. *Welcomes* the display of solidarity given by the international community at the donors conference held in Paris in December 2000 at the initiative of former President of South Africa Mr. Mandela, backed by the President of France Mr. Chirac;

32. *Exhorts* donors to deliver promptly on the commitments made at that Conference when conditions permit;

33. *Calls upon* the Government of Burundi to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

34. *Decides* to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session, giving her work a gender-specific dimension.

69th meeting
20 April 2001
[Adopted without a vote. See chap. IX.]

2001/22. Situation in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 2000/19 of 18 April 2000, in which it decided to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for one year,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights, *Recalling also* Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights and the appropriate United Nations agencies in this field,

Reaffirming that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency and of coordination of all activities for the promotion and protection of human rights within the United Nations system,

Recalling the recommendations made by the Special Representative in his previous report (E/CN.4/2000/40), especially concerning technical assistance to Equatorial Guinea,

Recognizing the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the field of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as outlined in its national programme on good governance adopted in 2000, with the assistance of the United Nations Development Programme,

Encouraged that the Government of Equatorial Guinea, through a clemency decree issued on 30 December 2000, released fifty prisoners and considerably reduced the sentences of the remaining eighty-five prisoners held in its custody,

Noting with appreciation that the Government of Equatorial Guinea took steps to ensure the social and economic rights of its citizens through the ratification of numerous conventions of the International Labour Organization in the past year,

Noting that the Government of Equatorial Guinea held municipal elections on 28 May 2000,

Welcoming the steps taken by the Government of Equatorial Guinea to reinforce the independence of the Parliament and to strengthen the National Commission of Human Rights as an institution that has the capacity to protect and to defend human rights,

Taking note, however, that there continue to be deficiencies in technical support to Equatorial Guinea in the field of human rights,

1. *Expresses its gratitude* to the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for his efforts;

2. *Encourages* the Government of Equatorial Guinea to adopt further quick and effective measures in order to comply with the recommendations made previously by the Commission and the Special Representative, such as the following:

(*a*) To guarantee full enjoyment of the freedoms of movement and association by introducing new laws, where appropriate, or amending existing ones, of the right to physical integrity and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering an end to any practice of detention without judicial warrant and by prosecuting those responsible for such violations;

(*b*) To continue its cooperation with the International Committee of the Red Cross in the visits of its prison facilities and to follow up on its recommendations to improve the conditions of the detainees;

(*c*) To ensure further full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(*d*) To adhere to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and to submit reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(*e*) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce its proposed legal reforms to this effect as soon as possible;

(*f*) To eliminate all forms of discrimination against women and to continue to promote the full enjoyment of their human rights, as proposed by the national plan to improve the status of women in Equatorial Guinea;

(*g*) To make further efforts to broaden the dialogue with opposition parties and groups so as to guarantee political rights, democracy and pluralism;

(*h*) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(*i*) To promote and protect the rights of the child by implementing the Convention on the Rights of the Child;

3. *Welcomes* the willingness of the Government of Equatorial Guinea to implement a national human rights action plan as a complement to its national programme of good governance submitted to the United Nations Development Programme and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the United Nations High Commissioner for Human Rights;

4. *Calls upon* the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to assist the Government of Equatorial Guinea in strengthening the national institutions on human rights;

5. *Welcomes* the recent invitations by the Government of Equatorial Guinea to the Special Representative and to the thematic rapporteurs of the Commission and looks forward to their early visits and their recommendations contributing to the implementation of the national human rights action plan;

6. *Notes with interest* the continuing financial efforts and the political will of the Government of Equatorial Guinea in the establishment of the Centre for the Promotion of Human Rights and Democracy in Equatorial Guinea in order to strengthen the national capacity in this field; and encourages the Government of Equatorial Guinea in its efforts to support the functioning of the Centre, to seek the cooperation of international governmental and non-governmental organizations;

7. *Calls upon* the Government of Equatorial Guinea to continue to ensure the independence and effectiveness of the National Commission on Human Rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to continue to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

8. *Decides* to renew the mandate of the Special Representative for one year and requests him to examine the situation of human rights in Equatorial Guinea, to hold a dialogue with the Government of Equatorial Guinea and, in particular, to assist the Office of the High Commissioner and the Government to establish a comprehensive programme of technical assistance for Equatorial Guinea in the field of human rights, to verify on behalf of the Commission that technical assistance provided to Equatorial Guinea supports its national human rights action plan and to report to the Commission at its fifty-eighth session;

9. *Requests* the Secretary-General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

10. *Decides* to continue its examination of the question of human rights in Equatorial Guinea at its fifty-eighth session;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 15.]

69th meeting
20 April 2001
[Adopted without a vote. See chap. IX.]

2001/23. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Condemning strongly once again the crime of genocide and crimes against humanity committed in Rwanda in 1994,

Recalling its resolutions 1997/66 of 16 April 1997, in particular paragraph 20, and 2000/21 of 18 April 2000, as well as previous relevant resolutions,

Taking into consideration the establishment and effective functioning of the National Commission for Human Rights of Rwanda,

Expressing its appreciation to the Government of Rwanda for the progress made in restoring the rule of law and the actions taken to consolidate peace and stability and to promote national unity and reconciliation,

1. *Takes note with great satisfaction* of the report to the General Assembly of the Special Representative of the Commission on the situation of human rights in Rwanda (A/55/269), and its updated report submitted to the Commission (E/CN.4/2001/45/Add.1 and Corr.1);

2. *Expresses its profound appreciation* to the Special Representative for the activities carried out within the framework of his mandate;

3. *Takes note* of the agreement signed by the United Nations High Commissioner for Human Rights and the National Commission for Human Rights of Rwanda, and calls upon the Office of the High Commissioner to respond to any requests made by the Government of Rwanda for technical assistance and advisory services in the field of human rights to develop and further strengthen national human rights capacities, including the National Commission for Human Rights;

4. *Recommends* that the international community continue to provide assistance for the development of Rwanda in order to ensure, in the long term, its recovery and stability;

5. *Decides* to end the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda;

6. *Also decides* to end its consideration of the situation of human rights in Rwanda.

69th meeting
20 April 2001
[Adopted by a roll-call vote of 28 votes to 16,
with 9 abstentions. See chap. IX.]

2001/24. Situation in the Republic of Chechnya of the Russian Federation

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular its Articles 55 and 56, and the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions of 12 August 1949 in particular common article 3 thereof, and Additional Protocol II thereto, of 8 June 1977, as well as other instruments of international humanitarian law,

Recalling the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular part I, paragraph 4, thereof,

Recalling also that the Russian Federation is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other regional human rights instruments, such as the European Convention on Human Rights,

Recalling further that the Russian Federation is a party to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto,

Reaffirming its resolution 2000/58 of 25 April 2000, as well as earlier statements on the subject by the Chairperson of the Commission, of 27 February 1995 and 24 April 1996,

Deeply concerned at continued reports of widespread violence against civilians and at alleged violations of human rights and humanitarian law, in particular forced disappearances, extrajudicial, summary or arbitrary executions, torture, arbitrary detentions, ad hoc detention locations and continued abuses and harassment at checkpoints by Russian State agents in the Republic of Chechnya of the Russian Federation,

Gravely concerned at the continued violence in the Republic of Chechnya of the Russian Federation, and in particular at reports indicating disproportionate and indiscriminate use of Russian military force, which has led to a serious humanitarian situation,

Gravely concerned also at reports of attacks against civilians, terrorist acts and serious breaches of international humanitarian law, crimes and abuses committed by Chechen fighters,

Deploring the large number of victims and displaced persons and the suffering inflicted on the civilian population by all parties, including the serious and systematic destruction of installations and infrastructure, contrary to international humanitarian law, and expressing concern about the spillover effects of the conflict to other republics of the Russian Federation and neighbouring countries,

Concerned about the still unsatisfactory security situation in the Republic of Chechnya of the Russian Federation, which, *inter alia*, seriously hampers humanitarian relief efforts in the Republic and in the neighbouring republics of the Russian Federation by international, regional and national humanitarian organizations,

Welcoming the announced reduction of the United Army Group in the Republic of Chechnya of the Russian Federation and the number of checkpoints, and also welcoming the re-establishment of a judicial system with a supreme court, and regional and city courts in the Republic of Chechnya, the increased involvement of ethnic Chechens in the police forces as well as the mixed composition at checkpoints,

Welcoming also the cooperation and dialogue between the Russian Federation and the various bodies of the Council of Europe, including visits by the Council of Europe Commissioner for Human Rights and by its Parliamentary Assembly rapporteurs,

Noting the readiness expressed by the Organization of the Islamic Conference to pursue contacts with the Government of the Russian Federation with a view to facilitating a peaceful solution of the crisis in the Republic of Chechnya of the Russian Federation,

Noting also the activities of the State Duma of the Russian Federation Commission on the normalization of the political and socio-economic situation and on the protection of human rights in the Republic of Chechnya,

Noting further the establishment of the National Public Commission for the investigation of offences and for the observance of human rights in the North Caucasus (the Krasheninnikov Commission),

Welcoming the extension of the memorandum of understanding between the Russian authorities and the Council of Europe on the provision of consultative experts to the Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Republic of Chechnya, Mr. Vladimir Kalamanov, and the fact that they can and are required to cooperate towards the implementation of all the tasks of the Office, including monitoring of inquiries by competent Russian authorities on human rights violations, as well as supporting the restoration of the rule of law in the Republic of Chechnya of the Russian Federation,

Welcoming also the cooperation between the Russian authorities and international and regional humanitarian organizations on access to detention centres in the Republic of Chechnya of the Russian Federation, *Having considered* the reports of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Republic of Chechnya, Mr. Vladimir Kalamanov, the report of the National Public Commission for the investigation of offences and for the observance of human rights in the North Caucasus (the Krasheninnikov Commission) and the report of the Commissioner for Human Rights of the Council of Europe on his visit to the Russian Federation and the Republic of Chechnya from 25 February to 4 March 2001,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation in the Republic of Chechnya of the Russian Federation (E/CN.4/2001/36);

2. *Calls upon* all parties to the conflict to take immediate steps to halt the ongoing fighting and the indiscriminate use of force and to seek as a matter of urgency a political solution with the aim of achieving a peaceful outcome to the crisis which fully respects the sovereignty and territorial integrity of the Russian Federation;

3. *Strongly condemns* the continued use of disproportionate and indiscriminate force by Russian military forces, federal servicemen and State agents, including attacks against civilians and other breaches of international law as well as serious violations of human rights, such as forced disappearances, extrajudicial, summary and arbitrary executions, torture and other inhuman and degrading treatment, and calls upon the Government of the Russian Federation to comply with its international human rights and humanitarian law obligations in its operations against Chechen fighters and to take all measures to protect the civilian population;

4. *Also strongly condemns* all terrorist activities and attacks as well as breaches of international humanitarian law perpetrated by Chechen fighters such as hostage-taking, torture and the indiscriminate use of landmines, booby-traps and other explosive devices aimed at causing widespread civilian casualties, and calls for the immediate release of all hostages;

5. *Welcomes* the adoption of a comprehensive programme for the economic and social reconstruction of the Republic of Chechnya of the Russian Federation and urges the Government of the Russian Federation to implement it without delay and to compensate affected persons for the destruction and loss of property;

6. *Notes* the actions carried out by the Office of the Special Representative of the President of the Russian Federation, in collaboration with experts from the Council of Europe, to promote human rights in the Republic of Chechnya of the Russian Federation through its processing of received complaints, which has resulted, *inter alia*, in the tracing of some missing persons, the release of some detained persons and an accelerated issuance of identity documents to internally displaced persons;

7. *Reiterates its call* upon the Russian Federation to establish, according to recognized international standards, a national broad-based and independent commission of inquiry to investigate promptly alleged violations of human rights and breaches of international

humanitarian law committed in the Republic of Chechnya of the Russian Federation in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity;

8. *Expresses serious concern* over the slow pace of investigating alleged serious violations of human rights and international humanitarian law committed by federal forces, federal servicemen and the personnel of law enforcement agencies against civilians and notes with concern that very few such cases have reached the judicial system;

9. *Calls upon* the Russian Federation to ensure that both civilian and military prosecutor's offices undertake systematic, credible and exhaustive criminal investigations and prosecutions of all violations of international humanitarian law and human rights, in particular of those members of federal forces, federal servicemen and the personnel of law enforcement agencies allegedly implicated in war crimes and human rights violations against civilians and to pursue with rigour the cases which have been referred to them;

10. *Also calls upon* the Russian Federation to ensure that all necessary measures are taken to investigate and solve all cases of forced disappearance as recorded and reported, *inter alia*, by the Office of the Special Representative of the President of the Russian Federation, and to ensure where necessary that criminal prosecutions are undertaken;

11. *Welcomes* the commitment of the Government of the Russian Federation to cooperate with the special mechanisms of the Commission, and the invitations extended to the Special Rapporteur on violence against women, its causes and consequences, and the Special Representative of the Secretary-General on the impact of armed conflict on children and requests them to carry out their missions promptly;

12. *Reiterates* its requests that the relevant special rapporteurs and the special mechanisms of the Commission undertake missions to the Republic of Chechnya of the Russian Federation without delay and expresses serious concern that the thematic special rapporteurs or representatives on the question of torture, on extrajudicial, summary or arbitrary executions and on internally displaced persons, who have requested to undertake visits, have not yet received an answer and urges the Government of the Russian Federation to give favourable consideration to their requests as a matter of priority;

13. *Calls upon* the Government of the Russian Federation to ensure an immediate return of the Organization for Security and Cooperation in Europe Assistance Group to the Republic of Chechnya and to create the necessary conditions for the fulfilment of its mandate, and underlines that a political solution is essential and that the assistance of the Organization for Security and Cooperation in Europe would contribute to achieving that goal;

14. *Urges* the Russian Federation to take all necessary measures to ensure the protection of the internally displaced persons and to provide them with the basic necessities for daily subsistence, as well as to provide housing and restore public services as a matter of urgency;

15. *Urges also* the Government of the Russian Federation to ensure international, regional and national humanitarian organizations, notably those of the United Nations and their implementing partners as well as the International Committee of the Red Cross, free, unimpeded and secure access to the Republic of Chechnya and neighbouring republics of the Russian Federation, in accordance with international humanitarian law, and to facilitate their activities, including the delivery of humanitarian aid, *inter alia* by simplifying regulations, and their access to a radio communication network for the United Nations;

16. *Urges further* the Government of the Russian Federation to ensure international and national human rights organizations free, unimpeded and secure access to the Republic of Chechnya of the Russian Federation;

17. *Expresses its concern* over the situation in detention centres and continued reports on ad hoc detention locations, "filtration camps", as well as the treatment of non-registered detainees and acts of torture and other cruel, inhuman or degrading treatment of these detainees;

18. *Welcomes* the cooperation by the Government of the Russian Federation, giving free and effective access in the Republic of Chechnya to international and regional organizations, in particular the International Committee of the Red Cross, to places of detention, and urges the Government to extend such access to all places of detention in order to ensure that all detainees are treated in conformity with international humanitarian law;

19. *Calls upon* the Government of the Russian Federation to disseminate and ensure that all organs of the State, including the military, at all levels, have knowledge of the basic principles of human rights and international humanitarian law, and to conduct a policy in accordance with international humanitarian law and human rights;

20. *Requests* the High Commissioner to report on the implementation of the present resolution at its fifty-eighth session and to keep the General Assembly informed of further developments as appropriate.

70th meeting
20 April 2001
[Adopted by a roll-call vote of 22 votes to 12,
with 19 abstentions. See chap. IX.]

2001/25. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food, *Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling all its previous resolutions in this regard, in particular resolution 2000/10 of 17 April 2000,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the problem of hunger and food insecurity has global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Food Summit and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that 826 million people, most of them women and children, throughout the world and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights and at the same time can generate additional pressures upon the environment in ecologically fragile areas;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food, as well as to elaborate and adopt national plans to combat hunger;

6. *Takes note* of *The State of the World's Children 2001* report on early childhood of the United Nations Children's Fund and, in this context, recalls that the nurturing of young children merits the highest priority;

7. *Takes note with appreciation* of the report of the Special Rapporteur on the right to food, submitted in accordance with Commission resolution 2000/10 (E/CN.4/2001/53), and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

8. *Requests* the Special Rapporteur, in the fulfilment of his mandate, to continue to carry out the following main activities:

(*a*) To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;

(*b*) To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations on the promotion and effective implementation of the right to food and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;

(*c*) To identify emerging issues related to the right to food worldwide;

9. *Also requests* the Special Rapporteur, in discharging his mandate, to pay attention to the issue of drinking water, taking into account the interdependence of this issue and the right to food;

10. *Further requests* the Special Rapporteur to contribute effectively to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit by submitting to the United Nations High Commissioner for Human Rights his recommendations on all aspects of the right to food;

11. *Encourages* the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;

12. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

13. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, *inter alia*, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

14. *Also welcomes* the convening by the High Commissioner in Bonn, from 12 to 14 March 2001, of the Third Expert Consultation on the Right to Food, with a focus on implementation mechanisms at country level, hosted by the Government of Germany, and takes note with interest of the report of the Third Expert Consultation (E/CN.4/2001/148);

15. *Recommends* that the High Commissioner organize a fourth expert consultation on the right to food, with a focus on the realization of this right as part of strategies and policies for the eradication of poverty, inviting experts from all regions;

16. *Requests* the Special Rapporteur to submit a preliminary report to the General Assembly at its fifty-sixth session and a final report on the implementation of the present resolution to the Commission at its fifty-eighth session;

17. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, *inter alia* through the submission of comments and suggestions on ways and means of realizing the right to food.

70th meeting
20 April 2001
[Adopted by a roll-call vote of 52 votes to 1. See chap. X.]

2001/26. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, which declares that no State may use or encourage the use of economic, political or any type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 2000/11 of 17 April 2000 and noting General Assembly resolution 55/110 of 4 December 2000,

Taking note with interest of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/2001/50),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among

States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Calls upon* all Member States neither to recognize these measures nor apply them, as well as to consider adopting administrative or legislative measures, when necessary, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Rejects* the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, *inter alia*, children, women, the elderly, disabled and ill people;

4. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Also reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

7. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report (E/CN.4/1998/29);

8. *Invites* the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which will meet after the fifty-seventh session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

9. *Invites* all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

10. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

11. *Requests*:

(*a*) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(*b*) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-eighth session;

12. *Decides* to examine this question, on a priority basis, at its fifty-eighth session under the same agenda item.

70th meeting
20 April 2001
[Adopted by a roll-call vote of 37 votes to 8,
with 8 abstentions. See chap. X.]

2001/27. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 2000/82 of 26 April 2000,

Deeply convinced of the need to create a new spirit of international cooperation based on the principle of achieving shared benefits, but also based on common but differentiated responsibilities, between the developing and industrialized countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries, *Aware* that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the benefits of globalization are very unevenly shared while its costs are unevenly distributed, and that it creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the global level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Welcomes* the report submitted by the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/56), commends the independent expert for his valuable work and encourages him to continue studying these issues further;

2. *Stresses* that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

3. *Notes with concern* the persistence of the external debt problem, that the vicious cycle of debt and underdevelopment has become further entrenched, that debt service has grown at a much greater rate than the debt itself and that the burden of payments has become heavier in many developing countries, including those with low and middle incomes, despite repeated rescheduling, and that the current debt and poverty reduction and growth initiatives lack sufficient funding and have several conditions attached;

4. *Recalls* the pledge, contained in the Political Declaration adopted by the General Assembly at its twenty-fourth special session, annexed to resolution S-24/2, of 1 July 2000 to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

5. *Reiterates* that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order based, *inter alia*, in open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international financial and trading systems, which guarantees the developing countries, *inter alia*, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

6. *Stresses* the need for the economic programmes arising from foreign debt to be country-driven and for their macroeconomic and financial policy issues to be integrated, on an equal footing and a consistent way, with the realization of the broader social development goals, taking into account the specific characteristics, conditions and needs of the debtor countries;

7. *Affirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment polices, growth programmes and economic reforms arising from the debt;

8. *Emphasizes* the important need for initiatives on foreign debt, in particular in the enhanced Heavily Indebted Poor Countries Initiative and the decision of the Paris Club to go beyond the Naples terms, to be extended, expedited, implemented completely and made more flexible, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

9. *Also emphasizes* the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

10. *Requests* the independent expert to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(*a*) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(*b*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(*c*) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

11. *Also requests* the independent expert to provide an advance copy of his annual report to the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate;

12. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

13. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

14. *Calls upon* Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

15. *Also calls upon* Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

16. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

17. *Recognizes* that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission in the deliberations and activities of international and regional financial institutions;

18. *Reiterates* its view that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

19. *Requests* the Economic and Social Council to authorize the Working Group on Structural Adjustment to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-eighth session of the Commission with the mandate to: (*a*) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (*b*) report to the Commission at its fifty-eighth session;

20. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

21. *Requests* the High Commissioner to take urgent action to strengthen the responsiveness of the Office of the United Nations High Commissioner for Human Rights in the area of economic, social and cultural rights;

22. *Decides* to continue the consideration of this matter at its fifty-eighth session under the same agenda item.

70th meeting
20 April 2001
[Adopted by a roll-call vote of 31 votes to 15,
with 7 abstentions. See chap. X.]

2001/28. Adequate housing as a component of the right to an adequate standard of living

The Commission on Human Rights,

Recalling its resolution 2000/9, of 17 April 2000, in which it decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living, as well as resolution 2000/13, of 17 April 2000, on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing,

Noting the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing,

Concerned that any deterioration in the general housing situation disproportionally affects the poor, as well as women and children, and members of groups requiring special protection,

1. *Takes note* of the report of the Special Rapporteur on adequate housing (E/CN.4/2001/51) and of relevant parts of the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2001/49);

2. *Encourages* the Special Rapporteur, in accordance with his mandate, to bring the issue of adequate housing to the attention of relevant review processes of United Nations conferences and summits, notably the five-year review of the Habitat Agenda in June 2001, including, where possible, through contributing to and participating in these events;

3. *Also encourages* the Special Rapporteur to strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Centre for Human Settlements (Habitat) and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the Centre and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions;

4. *Further encourages* the Special Rapporteur to cooperate, in accordance with his mandate, with other rapporteurs, representatives, experts, notably the independent expert on the question of human rights and extreme poverty, members and chairpersons of working groups of the Commission, and United Nations bodies, including human rights treaty bodies;

5. *Requests* the Special Rapporteur, in the fulfilment of his mandate:

(*a*) To give particular emphasis to practical solutions with regard to the implementation of the rights relevant to his mandate, on the basis of pertinent information, notably on best practices, including on domestic legal enforcement of these rights, from Governments, relevant United Nations agencies and non-governmental organizations;

(*b*) To facilitate the provision of technical assistance;

6. *Also requests* the Special Rapporteur, within the limits of his mandate, further to review the interrelatedness of adequate housing as a component of the right to an adequate standard of living with other human rights;

7. *Further requests* the Special Rapporteur to submit a report to the Commission at its fifty-eighth session;

8. *Requests* the United Nations High Commissioner for Human Rights to support cooperation between the Special Rapporteur and other rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies, that are relevant to the mandate of the Special Rapporteur;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Centre to strengthen their cooperation and to consider developing a joint housing rights programme;

10. *Calls upon* all States:

(*a*) To give full effect to housing rights, including through domestic development policies at the appropriate level of government and with international assistance and cooperation, giving particular attention to the individuals, most often women and children, and communities living in extreme poverty, and to security of tenure;

(*b*) To ensure the observance of all their legally binding national standards in the area of housing;

(*c*) To cooperate with the Special Rapporteur;

(*d*) To submit to the Special Rapporteur information on different experiences, notably on best practices, in areas related to his mandate;

(*e*) Without distinction of any kind, such as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

- (i) To counter social exclusion and marginalization of people who suffer from discrimination on multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;
- (ii) To promote participation in decision-making processes, in particular at the local level, when developing an adequate standard of living and housing;

11. *Invites* the Centre and the Office of the High Commissioner to further explore possibilities to support the Special Rapporteur;

12. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary for the execution of his mandate.

70th meeting
20 April 2001
[Adopted without a vote. See chap. X.]

2001/29. The right to education

The Commission on Human Rights,

Recalling its resolution 1998/33 of 17 April 1998, by which it decided, *inter alia*, as part of its effort to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate would focus on the right to education,

Recalling also that everyone shall enjoy the human right to education, which is enshrined, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further the Convention against Discrimination in Education, adopted on 14 December 1960, by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education,

Welcoming the Dakar Framework for Action adopted at the World Education Forum held in Dakar in April 2000, and the goals agreed upon at its adoption,

Noting the United Nations Millennium Declaration in which it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015,

Affirming that the realization of the right to education, especially for girls, contributes to the eradication of poverty,

Welcoming the attention given to education in the preparatory process for the General Assembly special session on the achievement of the goals of the World Summit for Children and for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in 2001,

Deeply concerned that some one hundred and twenty million children, two thirds of whom are girls, have no access to education,

1. *Notes with interest* the report of the Special Rapporteur on the right to education (E/CN.4/2001/52) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2001/49);

2. *Also notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child in the promotion of the right to education and their general comments, notably General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the International Covenant on Economic, Social and Cultural Rights) and No. 13 (1999) on the Right to Education (art. 13 of the Covenant)

adopted by the Committee on Economic, Social and Cultural Rights, and General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child) adopted by the Committee on the Rights of the Child;

3. *Calls upon* all States:

(*a*) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(*b*) To take all appropriate measures to eliminate obstacles limiting access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and children deprived of their liberty;

(*c*) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;

(*d*) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;

(*e*) To adopt effective measures to encourage regular attendance at school and reduce school drop-out rates;

(*f*) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(*g*) To submit information on best practices for the elimination of discrimination in access to education, in particular when requested by the Special Rapporteur;

4. *Invites* the Special Rapporteur to continue to work in accordance with her mandate and, in particular, to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education;

5. *Encourages* the Special Rapporteur to pursue her collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and her cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees and her dialogue with the World Bank;

6. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

7. *Requests* all States to continue their cooperation with and to assist the Special Rapporteur in the performance of her tasks and duties and to consider favourably the requests for information and visits;

8. *Decides:*

(*a*) To renew the mandate of the Special Rapporteur for a period of three years;

(*b*) To consider the right to education at its fifty-eighth session under the same agenda item and to request the Special Rapporteur to submit a report to the Commission at that session;

9. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of the mandate;

10. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 19.]

70th meeting
20 April 2001
[Adopted without a vote. See chap. X.]

2001/30. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, *Recalling* its previous resolutions on the realization of economic, social and cultural rights,

Taking note with interest of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

Taking note with interest also of the report of the workshop organized on 5 and 6 February 2001 by the Office of the United Nations High Commissioner for Human Rights and the International Commission of Jurists on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62/Add.2),

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2000/9 of 17 April 2000 (E/CN.4/2001/49), the report of the United Nations High Commissioner for Human Rights on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62 and Add.1), as well as all other relevant reports of the High Commissioner on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Notes with interest:*

(*a*) The entry into force of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(*b*) The work carried out by the Committee on Economic, Social and Cultural Rights, including the assistance given to States parties in fulfilling their obligations through its general comments, and notes the adoption in May 2000 of General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights) and the convening of days of general discussion, such as the one held on 27 November 2000 on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15, para. 1 (*c*), of the Covenant);

(*c*) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(*d*) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(*e*) The elaboration of training programmes in the Office of the High Commissioner to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encourages the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

3. *Welcomes:*

(*a*) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits, notably the World Food Summit, held in Rome in November 1996, the second United Nations Conference on Human Settlements (Habitat II) held in Istanbul in June 1996, the World Summit for Social Development, held in Copenhagen in March 1995, the Fourth World Conference on Women, held in Beijing in September 1995, the International Conference on Population and Development, held in Cairo in September 1994, the World Conference on Education for All, held in Jomtien, Thailand, in March 1990 and the World Summit for Children, held in New York in September 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights; their follow-up processes, such as the World Education Forum held in Dakar in April 2000, the special session of the Assembly on the implementation of the World Summit for Social Development held in June 2000, the special session of the Assembly on the implementation of the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women, also held in 2000; as well as forthcoming events, such as the special session of the Assembly on the achievement of the goals of the World Summit for Children, the special session of the Assembly on the problem of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS), the special session of the Assembly on the implementation of the second United Nations Conference on Human Settlements (Habitat II) and the Third United Nations Conference on the Least Developed Countries;

(*b*) Regional initiatives to promote the further realization of economic, social and cultural rights;

4. *Reaffirms:*

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(*c*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*d*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(*e*) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights;

(*f*) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

5. *Calls upon* all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(*c*) To consider signing and ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflicts, and on the sale of children, child prostitution and child pornography, and the States parties to implement them fully;

(*d*) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind, and to address this issue during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, from 31 August to 7 September 2001;

(*e*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*f*) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(*g*) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, *inter alia* through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(*h*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

(*i*) To ensure access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable and marginalized groups, and to ensure that national public health strategies address the health concerns of all;

(*j*) To provide education and access to information concerning health problems in all communities, including methods of prevention and control;

6. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(*a*) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(*b*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(*c*) To submit their reports to the Committee in a regular and timely manner;

(*d*) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

7. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

8. *Decides:*

(*a*) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, notably by:

(i) Enhancing its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant;

(ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(*b*) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission on Human Rights and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural rights to enhance their cooperation and increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(*c*) To appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, *inter alia*, of the report of the Committee to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/1997/22-E/C.12/1996/6, annex IV) the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the Covenant, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the Covenant;

(*d*) To encourage the High Commissioner to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, *inter alia* through the holding of expert meetings;

(*e*) To encourage the High Commissioner to continue to ensure better support for the Committee, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(*f*) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*g*) To support the efforts carried out by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

9. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the present resolution.

70th meeting
20 April 2001
[Adopted without a vote. See chap. X.]

2001/31. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, fifty-three years after the adoption of the Universal Declaration of Human Rights, extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness are particularly severe in developing countries, while acknowledging the achievements made in many parts of the world,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted in June 1993 by the World Conference on Human Rights,

Recalling in particular that the World Conference reaffirmed that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development,

Bearing in mind the commitments reaffirmed in the United Nations Millennium Declaration, particularly to spare no effort to fight against extreme poverty, *Recalling* General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), and noting the report of the Secretary-General on the implementation of the Decade (A/55/407),

Recalling also General Assembly resolution 53/146 of 9 December 1998, on human rights and extreme poverty, in which the Assembly recalled that the mandate of the independent expert on the question of human rights and extreme poverty should include continuing to take into account the efforts of the poorest people themselves and the conditions in which they could convey their experiences,

Recalling further the Declaration of the Microcredit Summit, held in Washington, D.C., in February 1997, which launched a global campaign to reach one hundred million of the world's poorest families, especially women, with credit for self-employment by the year 2005,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

Recalling the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Noting with satisfaction the progress report submitted by the independent expert in accordance with Commission resolution 2000/12 of 17 April 2000 (E/CN.4/2001/54 and Corr.1) and the conclusions contained therein, in particular concerning the importance of the knowledge of their rights by the poor themselves, the harnessing of their capacities to organize, training for the fight against poverty and the necessary general mobilization, as pillars of a global strategy against poverty,

Taking note of the report of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1 and Corr.1), organized by the United Nations High Commissioner for Human Rights in accordance with Commission resolution 2000/12, and its conclusions,

1. *Reaffirms* that:

(*a*) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(*b*) The right to life includes within it existence in human dignity with the minimum necessities of life;

(*c*) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the realization of human rights and in efforts to combat extreme poverty and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, particularly the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

(*d*) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(*e*) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(*f*) Special attention must be given to the plight of women and children, who often bear the greatest burden of extreme poverty;

2. *Recalls* that:

(*a*) The Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(*b*) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(*c*) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the Assembly of the evolution of the question and to submit specific information on this question at events such as the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(*d*) In her report to the Assembly of 11 September 1998 on the mid-term evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the High Commissioner proposed that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

3. *Welcomes* the increasing number of events associated with the celebration, on 17 October of each year, of the International Day for the Eradication of Poverty and the opportunity which these events provide to people and populations living in extreme poverty to make their voices heard;

4. *Expresses its appreciation:*

(*a*) That an integrated approach is being followed by the United Nations system in addressing the question of extreme poverty, particularly through the adoption and the implementation of the United Nations action strategy for halving extreme poverty by 2015;

(*b*) That the international financial institutions have developed new policies strengthening the human and social dimension of their action;

(*c*) For the initiatives taken in many countries by national education authorities to raise awareness among all children and young people of the existence of extreme poverty and the urgent need for united action to enable the poorest people to regain their rights;

(*d*) For the priority given by the independent expert to strengthening the means of expression of the poorest people and notes, in that respect, the exhaustive analysis carried out by the World Bank with the poorest people themselves, entitled *Voices of the Poor: Can Anyone Hear Us?*;

(*e*) To the independent expert for sending questionnaires to Governments, national human rights institutions and non-governmental organizations to collect their views and experiences in the field of human rights and the eradication of extreme poverty;

5. *Calls upon:*

(*a*) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(*b*) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(*c*) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

6. *Invites*:

(*a*) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(*b*) States, international organizations and non-governmental organizations to submit to the Secretary-General, by the fifty-eighth session of the Commission, their views and comments on the recommendations contained in the report of the independent expert on extreme poverty (E/CN.4/2000/52);

7. *Takes note* of the conclusions of the Expert Seminar on Human Rights and Extreme Poverty organized by the High Commissioner in accordance with Commission resolution 2000/12 and:

(*a*) Requests the Sub-Commission on the Promotion and Protection of Human Rights to consider the need to develop, on the basis of the various relevant international texts, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and to report to the Commission at its fifty-ninth session;

(*b*) Invites States, the United Nations specialized agencies, funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions and the international financial institutions to submit their views on this subject to the Sub-Commission;

8. *Decides* to consider this question at its fifty-eighth session under the same agenda item.

71st meeting
23 April 2001
[Adopted without a vote. See chap. X.]

2001/32. Globalization and its impact on the full enjoyment of all human rights

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction, *Recalling* the Universal Declaration of Human Rights, as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Affirming that, while globalization offers great opportunities, at present its benefits are very unevenly shared and costs are unevenly distributed, and that developing countries face difficulties in responding to this central challenge,

Reaffirming the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and taking note of the conclusions of the Chairman of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which appear in the report of the Working Group (E/CN.4/2001/26, chap. II, sect. G) on its two sessions, the first held in September 2000 and the second in January, February and March 2001,

Recalling its resolution 1999/59 of 28 April 1999 and noting General Assembly resolution 55/102 of 4 December 2000,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more susceptible to external developments, positive and negative, including in the field of human rights,

Realizing also that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Recognizing that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization and that the process of globalization must not be used to weaken or reinterpret the principles enshrined in the Charter of the United Nations, which continues to be the foundation for friendly relations among States, as well as for the creation of a more just and equitable international economic system,

Taking note of the Bangkok Declaration adopted at the tenth session of the United Nations Conference on Trade and Development (TD/390, Part I), which asserted that solidarity and a strong sense of moral responsibility must be the guiding light of national and international policy and that more inclusive, transparent and participatory institutional arrangements for international economic decision-making are required to ensure that the benefits of globalization are accessible to all on an equitable basis, *Deeply concerned* at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, which adversely affects the full enjoyment of human rights, particularly in the developing countries,

Also deeply concerned that international cooperation for development has been downplayed on the agenda of the international community, including the United Nations system,

Noting that human beings strive for a world respectful of cultures, identities and human rights and in that regard work to ensure that all activities, including those affected by globalization, are consistent with these aims,

1. *Recognizes* that, while globalization, by its impact on, *inter alia*, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Also recognizes* that, in addition to States' separate responsibilities to their individual societies, they have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level which correspond to the needs of the developing countries, formulated and implemented with their effective participation, and in this regard requests the international economic governance institutions to promote broad-based decision-making;

4. *Expresses its concern* that, while globalization holds out the promise of prosperity, it brings with it severe challenges for the developing countries and that the promise of prosperity has not touched the vast majority of the world's population, and affects the enjoyment of their economic, social and cultural rights;

5. *Emphasizes* that to fulfil the commitment made at the Millennium Summit to make globalization a positive force for all of the world's people would, *inter alia*, require narrowing the gap between rich and poor, both within and between all countries, and creating an enabling environment for the full enjoyment of human rights by all peoples and for the eradication of poverty;

6. *Stresses* that globalization has to be monitored and managed with a view to enhancing its positive impact and alleviating its negative consequences on the enjoyment of all human rights, both at the national and the international levels;

7. *Underlines*, therefore, the need for the treaty bodies, special rapporteurs/representatives, independent experts and working groups of the Commission, within their mandates and where appropriate, to take into consideration in their reports the issue of the impact of globalization on the full enjoyment of all human rights;

8. *Takes note* of the preliminary report by the Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2000/13) and encourages them to take into account the contents of the present resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session;

9. *Requests* the United Nations High Commissioner for Human Rights, in cooperation with the United Nations Conference on Trade and Development to submit a comprehensive report entitled "Globalization and its impact on the full enjoyment of human rights" for consideration by the Commission, taking into account the provisions of the present resolution;

10. *Decides* to consider this issue again at its fifty-eighth session.

71st meeting
23 April 2001
[Adopted by a roll-call vote of 37 votes to 15,
with 1 abstention. See chap. X.]

2001/33. Access to medication in the context of pandemics such as HIV/AIDS

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling further its resolution 1999/49 of 27 April 1999 and welcoming the report of the Secretary-General on the protection of human rights in the context of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) (E/CN.4/2001/80),

Bearing in mind World Health Assembly resolution WHA53.14 entitled "HIV/AIDS: confronting the epidemic", adopted on 20 May 2000,

Acknowledging that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, are inseparable elements of an effective response and must be integrated into a comprehensive approach to combat such pandemics,

Recalling the guidelines elaborated at the Second International Consultation on HIV/AIDS and Human Rights held in Geneva from 23 to 25 September 1996 (E/CN.4/1997/37, annex I), in particular guideline 6, *Taking note of* General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Noting with great concern that, according to the Joint United Nations Programme on HIV/AIDS, the HIV/AIDS pandemic had claimed 21.8 million lives by the end of 2000,

Alarmed that, according to the same source, over 36 million people were infected with the HIV virus by the end of 2000,

Welcoming the recent initiatives by the Secretary-General and relevant United Nations agencies to make HIV/AIDS-related drugs more accessible to developing countries and noting that much more can be done in this regard,

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(*a*) The availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(*b*) The accessibility to all without discrimination, including the most vulnerable sectors of the population, of such pharmaceuticals or medical technologies and their affordability for all, including socially disadvantaged groups;

(*c*) The assurance that pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

3. *Also calls upon* States, at the national level, on a non-discriminatory basis:

(a) To refrain from taking measures which would deny or limit equal access for all persons to preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(b) To adopt legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceuticals or medical technologies from any limitations by third parties;

(c) To adopt all appropriate positive measures to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceuticals or medical technologies;

4. *Further calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(a) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(b) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies which promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceuticals and medical technologies;

5. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in their fight against pandemics such as HIV/AIDS through financial and technical support as well as training of personnel;

6. *Invites* the Committee on Economic, Social and Cultural Rights, when considering the human rights dimension of combating pandemics such as HIV/AIDS, to give attention to the issue of access to medication and invites States to include appropriate information thereon in the reports they submit to the Committee;

7. *Requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the present resolution, as well as to report thereon to the Commission at its fifty-eighth session;

8. *Decides* to continue its consideration of this matter at its fifty-eighth session, under the same agenda item.

71st meeting
23 April 2001
[Adopted by a roll-call vote of 52 votes to none
with 1 abstention. See chap. X.]

2001/34. Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I), the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), the Habitat Agenda adopted in June 1996 by the World Conference on Human Settlements (Habitat II) (A/CONF.165/14, chap. I, resolution 1, annex II), the report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly (A/S-23/10/Rev.1) and the report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the Assembly (A/S-24/8/Rev.1),

Reaffirming the human right to be free from discrimination and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights as stipulated, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling its resolution 2000/13 of 17 April 2000 and Commission on the Status of Women resolution 42/1 of 13 March 1998,

Recalling also resolutions 1997/19 of 27 August 1997, 1998/15 of 20 August 1998 and 1999/15 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Welcoming the findings of the Special Rapporteur on violence against women, its causes and consequences, contained in her report entitled "Economic and social policy and its impact on violence against women" (E/CN.4/2000/68/Add.5) submitted at the previous to session of the Commission, that women's poverty, coupled with a lack of alternative housing options, makes it difficult for women to leave violent family situations, and reaffirming that forced relocation and forced eviction from home and land have a disproportionately severe impact on women, and encouraging the Special Rapporteur to continue to take these findings into consideration in her future work,

Recognizing that laws, policies, customs and traditions that restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and may contribute to the feminization of poverty,

Recognizing also that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

Stressing that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations, reconstruction and rehabilitation,

Convinced that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality in terms of ownership of, access to and control over land and the rights to own property and to adequate housing and other productive resources and do not undermine women's capacity to acquire and retain these resources,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. *Affirms* that discrimination in law against women with respect to having access to, acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination;

2. *Reaffirms* women's right to an adequate standard of living, including adequate housing as enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights;

3. *Also reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

4. *Urges* Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;

5. *Reaffirms* Commission on the Status of Women resolution 42/1, which, *inter alia*, urged States to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to

inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information;

6. *Encourages* Governments to support the transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing, to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household;

7. *Also encourages* Governments, specialized agencies and other organizations of the United Nations system, international agencies and non-governmental organizations to provide judges, lawyers, political and other public officials, community leaders and other concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing;

8. *Recommends* that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

9. *Also recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views to remove discriminatory policies and practices, giving special consideration to single women and households headed by women, and that these institutions evaluate and measure progress to this end;

10. *Invites* the Secretary-General, as Chairman of the Administrative Committee on Coordination, to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Centre for Human Settlements (Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

11. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other relevant international organizations, within their respective mandates, to address discrimination against women with respect to land, property and adequate housing in their technical cooperation programmes and field activities;

12. *Encourages* all human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to integrate the contents of the present resolution into their work, as appropriate;

13. *Encourages* the Office of the High Commissioner for Human Rights and the United Nations Centre for Human Settlements (Habitat) to take into account the contents of the present resolution in the development of the mandate of the United Nations housing rights programme;

14. *Requests* the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

15. *Decides* to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its fifty-eighth session under the agenda item entitled "Economic, social and cultural rights".

71st meeting
23 April 2001
[Adopted without a vote. See chap. X.]

2001/35. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights to life, health and a sound environment for every individual,

Recalling its earlier resolutions on the subject and, in particular, its resolution 2000/72 of 26 April 2000, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Recalling further the existing international framework on the movement of toxic and hazardous substances and wastes, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and the regional instruments and arrangements in this regard, *Affirming* that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. *Takes note* of the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2001/55 and Add.1);

2. *Appreciates* the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources;

3. *Categorically condemns* the illicit dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. *Reaffirms* that illicit traffic in and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment for every individual;

5. *Urges* all Governments to take appropriate legislative and other measures, in line with their international obligations, to prevent the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies which generate hazardous wastes from developed to developing countries;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Welcomes* the ongoing work of the secretariat for the Basel Convention and also welcomes the cooperation between the secretariat and:

(*a*) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking through the exchange of information;

(*b*) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

8. *Expresses its appreciation* to the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. *Decides* to renew the mandate of the Special Rapporteur for a further period of three years;

11. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

12. *Reiterates its request* to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemicals Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

13. *Invites* the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-eighth session comprehensive information on:

(*a*) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(*b*) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;

(*c*) The question of rehabilitation of and assistance to victims;

(*d*) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(*e*) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

14. *Encourages* the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in the report to the Commission;

15. *Reiterates its call* to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular:

(*a*) To provide her with adequate financial and human resources, including administrative support;

(*b*) To provide her with the necessary specialized expertise to enable her to carry out her mandate fully;

(*c*) To facilitate her consultations with specialized institutions and agencies, in particular the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments which request it and appropriate assistance to victims;

16. *Decides* to continue consideration of this question at its fifty-eighth session, under the same agenda item.

71st meeting
23 April 2001
[Adopted by a roll-call vote of 38 votes to 15.
See chap. X.]

2001/36. Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

The Commission on Human Rights,

Noting General Assembly resolution 55/96 of 4 December 2000 and recalling its own resolution 2000/47 of 25 April 2000,

Reaffirming its commitment to the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming also the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Stressing that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming the commitment made by Member States to strive for the full protection and promotion in all our States of civil, political, economic, social and cultural rights for all,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity, *Welcoming* the commitment of all Member States, expressed in the United Nations Millennium Declaration, to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

Welcoming also the pledge of the international community at the World Conference on Human Rights, held at Vienna in June 1993, to support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms throughout the world,

Recognizing that development can only be sustainable on a long-term basis if development policies are responsive to people's needs and ensure people's participation both in their design and implementation, while stressing the fact that meeting the basic human needs essential for survival is a sine qua non condition for an effective democracy,

Emphasizing that the persistence of extreme poverty inhibits the full and effective enjoyment of human rights and the participation of all citizens in the democratic processes in every society, and that the full participation of everyone in democratic societies fosters and enhances the struggle against poverty,

Recalling that accountable and transparent governance at the national and international levels is critical for the creation of an environment that facilitates the development of democratic, prosperous and peaceful societies,

Stressing the variety of forms, modalities and experiences of democratic societies, taking into account national and regional particularities, the various historical, cultural and religious backgrounds, and the diversity of economic, political, cultural and legal systems,

Recognizing that while all democracies share common features, differences between democratic societies should be neither feared nor repressed, but cherished as a precious asset of humanity,

Aware of the importance of fostering a diversity of social contributions in strengthening people's participation, equity, social justice and non-discrimination, including the enhancement of non-governmental organizations, people's organizations, voluntary social organizations, trade unions, the private sector and other actors of civil society,

Recalling the commitment undertaken by States within the framework of the United Nations and other international organizations to work for the promotion of democracy and the rule of law,

1. *Affirms* that popular participation, equity, social justice and non-discrimination are essential foundations of democracy;

2. *Reaffirms* that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and that in order to achieve this, full popular participation, equity, social justice and non-discrimination should be strengthened;

3. *Also reaffirms* that while all democracies share common features, there is no one universal model of democracy;

4. *Affirms* that the consolidation of democracy requires the promotion and protection of all human rights for everyone, both civil and political rights and economic, social and cultural rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights, as established in the Declaration on the Right to Development;

5. *Reaffirms* that democracy, development and respect for human rights are interdependent and mutually reinforcing;

6. *Stresses* that the consolidation of democracy requires that sustained economic growth and sustainable development of countries and communities foster the promotion and consolidation of democracies;

7. *Declares* that full popular participation is only feasible if societies have democratic political and electoral systems which guarantee to all their citizens the possibility both to take part in the government of their country, directly or through freely chosen representatives, and to have equal access to public service, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

8. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

9. *Urges* all States to foster a democracy that, inspired by the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, promotes people's welfare, rejecting all forms of discrimination and exclusion, facilitates development with equity and justice, and encourages the most comprehensive and full participation of their citizens in the decision-making process and in the debate over diverse issues affecting society;

10. *Requests* all States and the international community further to endeavour to promote effective measures to eradicate poverty and promote just, equitable and inclusive societies;

11. *Invites* all mechanisms of the Commission and the human rights treaty bodies to continue taking into account, in the discharge of their respective mandates, the question of strengthening popular participation, equity, social justice and non-discrimination as the foundations of democracy;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of Member States, the relevant United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

13. *Decides* to continue its consideration of this issue at its fifty-eighth session, under the same agenda item.

71st meeting
23 April 2001
[Adopted by a roll-call vote of 28 votes to 4,
with 21 abstentions. See chap. IX.]

2001/37. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its fiftieth and forty-ninth sessions, respectively,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Recalling further General Assembly resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995 and 52/133 of 12 December 1997, as well as its own resolution 2000/30 of 20 April 2000,

Recalling General Assembly resolutions 54/164 of 17 December 1999, and 54/110 of 9 December 1999, in which it decided that the Ad Hoc Committee established by Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also General Assembly resolution 54/109 of 9 December 1999, in which the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism,

Taking note of decision 2000/115 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights,

Also taking note of General Assembly resolution 55/158 of 12 December 2000 in which the Assembly stressed the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles of the Charter, international law and relevant international conventions,

Further taking note of the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 at its fifty-fifth session,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Profoundly deploring the large number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life, *Noting with great concern* that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations in this respect,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Emphasizing the importance of Member States taking appropriate steps to deny safe haven to those who plan, finance or commit terrorist acts by ensuring their apprehension and prosecution or extradition,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Taking note of the growing consciousness of the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter and the International Covenants on Human Rights,

1. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. *Condemns* the violations of the right to live free from fear and of the right to life, liberty and security;

3. *Expresses its solidarity* with the victims of terrorism;

4. *Condemns* incitement of ethnic hatred, violence and terrorism;

5. *Urges* States to fulfil their obligations under the Charter and other provisions of international law, in strict conformity with international law, including human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of eradicating it;

7. *Calls upon* States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to bringing terrorists to justice;

8. *Also calls upon* States to take appropriate measures, in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not participated in terrorist acts, including assassinations;

9. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. *Requests* the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs, including the Special Rapporteur on terrorism and human rights of the Sub-Commission on the Promotion and Protection of Human Rights, and all concerned working groups of the Commission for their consideration;

11. *Endorses* the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report;

12. *Requests* the Special Rapporteur to give attention in her next report on human rights and terrorism to the questions raised in the present resolution;

13. *Decides* to remain seized of the matter at its fifty-eighth session.

72nd meeting
23 April 2001
[Adopted by a roll-call vote of 33 votes to 14,
with 6 abstentions. See chap. XI.]

2001/38. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking,

Recalling its previous resolutions on the subject, including its most recent, resolution 2000/29 of 20 April 2000, in which it condemned the taking of any person as a hostage,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, *inter alia*, those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable, including as a means to promote and protect human rights;

2. *Condemns* all acts of hostage-taking, including through hijacking, anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions, and expresses its solidarity with the victims of hostage-taking;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Urges* all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. *Decides* to remain seized of this matter.

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/39. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 2000/42 of 20 April 2000, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years, *Recalling also* its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985 and Assembly resolution 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary, adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2001/65 and Add.1-3);

2. *Also takes note* of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. *Welcomes* the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. *Notes with appreciation* the determination of the Special Rapporteur to achieve as wide dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner;

5. *Invites* the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. *Urges* all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if they deem it necessary;

8. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-eighth session and decides to consider this question at that session;

9. *Requests* the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/40. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights, *Recalling* articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with its resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Reaffirming its resolution 2000/36 of 20 April 2000,

1. *Takes note* of:

(*a*) The report of the Working Group on Arbitrary Detention (E/CN.4/2001/14 and Add.1);

(*b*) The work of the Working Group and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(*c*) The importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the Office of the United Nations High Commissioner for Human Rights in such coordination and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. *Recalls* the adoption by the Working Group of its Deliberation No. 5 (E/CN.4/2000/4, annex II), which relates to the situation of immigrants and asylum-seekers and guarantees concerning persons held in custody, with a view to ensuring better prevention;

3. *Requests* the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* the Governments concerned:

(*a*) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(*b*) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;

(*c*) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effects;

5. *Encourages* all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

6. *Requests* the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

7. *Expresses its profound thanks* to the Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

8. *Takes note with satisfaction* of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

9. *Notes* the concerns expressed by the Working Group in its report;

10. *Requests* the Secretary-General:

(*a*) To extend his assistance to Governments expressing the wish to receive it, and to the special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(*b*) To ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

11. *Requests* the Working Group to submit to it, at its fifty-eighth session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

12. *Decides* to continue its consideration of this question at its fifty-eighth session under the relevant agenda item.

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/41. Continuing dialogue on measures to promote and consolidate democracy

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Commission, taking note in particular of Assembly resolutions 55/96 of 4 December 2000 and 55/43 of 27 November 2000, and recalling its own resolution 2000/47 of 25 April 2000,

Reaffirming its commitment to the process of democratization of States, and recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Noting the initiatives taken by the countries which participated in the fourth International Conference of New or Restored Democracies, held in Cotonou, Benin, from 4 to 6 December 2000 and the Cotonou Declaration adopted there,

Noting also the ministerial conference entitled "Towards a Community of Democracies", hosted by the Government of Poland on 26 and 27 June 2000, and the Warsaw Declaration adopted by that meeting, the International Symposium on the Practices of Democracy, Rights and Freedoms in the French-speaking Community, held in Mali, from 1 to 3 November 2000, and the Organization of American States seminar on the role of regional and multilateral organizations in the promotion and defence of democracy held from 20 to 21 February 2001,

Recognizing the need continuously to promote respect for democratic values and principles, and to improve the functioning of democratic institutions and mechanisms,

Also recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arises out of all the world's social, cultural and religious beliefs and traditions,

Noting the *Human Development Report 2000* issued by the United Nations Development Programme, which illustrates the close link between democracy and good governance on the one hand, and economic development and poverty alleviation on the other hand,

Noting the report of the Secretary-General on support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies (A/55/489),

1. *Invites* Member States to continue to foster and participate in a systematic dialogue on the building up of democratic societies and the factors of success and failure in the democratization processes, and notes recent conferences on democracy held since the fifty-sixth session of the Commission;

2. *Welcomes* steps taken in a number of countries to promote and consolidate the foundations of still-fragile democratic institutions and the restoration of democracy in a number of nations since the fifty-sixth session of the Commission;

3. *Reaffirms* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing;

4. *Also reaffirms* that free and fair elections are an essential feature of democracy and must be part of a broader process that strengthens democratic principles, values, institutions, mechanisms and practices, which underpin formal democratic structures and the rule of law;

5. *Encourages* particular attention to be given to the recommendations of the Secretary-General that the United Nations should work to develop integrated democracy assistance programmes and common country strategies that are locally owned and involve a wide array of local actors;

6. *Also encourages* the development of broad-based democracy expertise drawn from all regions of the world;

7. *Calls for* information sharing and improved coordination in the United Nations system so as to facilitate the exchange of lessons learned and best practices in promoting and consolidating democracy;

8. *Invites* all Governments, relevant intergovernmental organizations and interested non-governmental organizations to continue and deepen debates aimed at identifying ways and means to promote and consolidate democracy;

9. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to build upon the work of the aforementioned initiatives and contributions from Member States, and to organize an expert seminar to examine the interdependence between democracy and human rights, to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations;

10. *Requests* the Office of the High Commissioner to report on the conclusions of the expert seminar to the Commission at its fifty-ninth session;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of Member States, the competent United Nations organs and relevant intergovernmental and interested non-governmental organizations, and to disseminate it on the widest possible basis;

12. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

72nd meeting
23 April 2001
[Adopted by a roll-call vote of 44 votes to none,
with 9 abstentions. See chap. XI.]

2001/42. Elimination of all forms of religious intolerance

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also, that this year marks the twentieth anniversary of the adoption of General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the increase in violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislation and other measures, *Gravely concerned* at all attacks upon religious places, sites and shrines, and in particular at the recent deliberate destruction of relics and monuments in certain parts of the world,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Taking note of the United Nations Millennium Declaration adopted by the General Assembly and of Assembly resolution 55/23 of 13 November 2000 on the United Nations Year of Dialogue among Civilizations, which recognize the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Recalling Commission resolution 2000/33 of 20 April 2000 in which the title of the Special Rapporteur on religious intolerance was changed to Special Rapporteur on freedom of religion or belief,

1. *Welcomes* the report of the Special Rapporteur on religious intolerance (E/CN.4/2001/63);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, *inter alia* by the provision of effective remedies in cases where the right to freedom of religion or belief, including the right to change one's religion or belief, is violated;

(*b*) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(*c*) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and to devote particular attention to practices which violate the human rights of women and discriminate against women;

(*d*) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(*e*) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(*f*) To ensure that all public officials, including members of law enforcement bodies, in the course of their official duties respect different religions and beliefs and do not discriminate on the grounds of religion or belief and to provide any necessary education and training;

(*g*) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures as appropriate;

7. *Stresses* the need for the Special Rapporteur to continue to apply a gender perspective, *inter alia* through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. *Notes* that the Special Rapporteur has undertaken two separate studies on religious discrimination and racism as a valuable input to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to take place in Durban, South Africa, in 2001 and suggests that his recommendations on religious intolerance which have a bearing on the World Conference be considered during its preparatory process;

9. *Calls upon* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively;

10. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and

invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

11. *Decides* to extend for three years the mandate of the Special Rapporteur on religious intolerance, with the new title of Special Rapporteur on freedom of religion or belief;

12. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration and invites Governments, religious bodies and civil society, during the year marking the twentieth anniversary of the adoption of the Declaration, to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion and belief;

13. *Welcomes* the initiatives of Governments to collaborate with the Special Rapporteur, including the convening of the International Consultative Conference on School Education in relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination to be held in Madrid in November 2001, and encourages the full participation of Governments, religious bodies, experts and non-governmental organizations in the conference;

14. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, to foster freedom of religion and belief and in highlighting cases of religious intolerance, discrimination and persecution;

15. *Recommends* that the United Nations and other actors, in their efforts to promote freedom of religion and belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

16. *Decides* to continue its consideration of measures to implement the Declaration;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him fully to discharge his mandate;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session;

19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-eighth session under the same agenda item.

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/43. The incompatibility between democracy and racism

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also its resolution 2000/40 of 20 April 2000,

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, *inter alia*, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Remains convinced* that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance;

2. *Condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

3. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violates human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

4. *Urges* States to reinforce their commitment to promote tolerance and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy and transparent and accountable governance;

5. *Invites* the mechanisms of the Commission and the treaty bodies, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

6. *Takes note* of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/60);

7. *Invites* the High Commissioner to submit an analytical report on the main trends and governmental policies regarding this subject, especially on the development of political parties with racist platforms, as well as actions to counter such trends, to the Commission at its fifty-eighth session;

8. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/44. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica at the forty-seventh session of the Commission (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also the subsequent resolutions on the subject and in particular decision 2000/262 of 28 July 2000 of the Economic and Social Council, in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. *Takes note* of the report of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2001/67);

2. *Requests* the working group, in order to continue its work, to meet prior to the fifty-eighth session of the Commission for a period of two weeks, with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-eighth session;

3. *Requests* the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. *Also requests* the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate if needed in the activities of the working group;

5. *Further requests* the Secretary-General to extend all necessary facilities to the working group for its meeting prior to the fifty-eighth session of the Commission;

6. *Encourages* the Chairperson-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text;

7. *Decides* to examine the report of the working group at its fifty-eighth session under the same sub-item;

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 24.]

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/45. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights, *Having regard* to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of 4 December 2000, in which the Assembly requested the Special Rapporteur to submit to it at its fifty-seventh session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the historic significance of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Welcoming the fact that a large number of States have already signed and/or ratified or acceded to the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. *Calls upon* all States to consider ratifying or acceding to the Rome Statute of the International Criminal Court;

5. *Appreciates* the work done by the Special Rapporteur in combating extrajudicial, summary or arbitrary executions and takes note of her report (E/CN.4/2001/9 and Corr.1 and Add.1-2), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;

6. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation to the victims or their families and to adopt all necessary measures, including legal and judicial measures in order to bring an end to impunity, to prevent the recurrence of such executions;

7. *Also reiterates* the obligation of Governments to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, and racially motivated violence leading to the death of the victim, as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

8. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

9. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during situations of public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

10. *Stresses* the importance of States' taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, *inter alia* through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building efforts;

11. *Encourages* Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

12. *Appeals* to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

13. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

14. *Commends* the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports;

15. *Requests* the Special Rapporteur, in carrying out her mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(*b*) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(*c*) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(*d*) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(*e*) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(*f*) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(*g*) To apply a gender perspective in her work;

16. *Urges* the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to her or where early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

18. *Strongly urges* all Governments:

(*a*) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(*b*) To respond to the communications transmitted to them by the Special Rapporteur;

19. *Expresses its concern* that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

20. *Requests* the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

21. *Also requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

22. *Further requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

23. *Decides* to extend the mandate of the Special Rapporteur for three years;

24. *Also decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-eighth session under the same agenda item;

25. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 25.]

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/46. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 2000/37 of 20 April 2000,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolution 55/103 of 4 December 2000,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity, *Welcoming* the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9), come within the jurisdiction of the Court as crimes against humanity,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2001/68) pursuant to Commission resolution 2000/37 and of the replies received by the secretariat on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/2001/69 and Add.1);

2. *Stresses* the importance of the work of the Working Group and encourages it, in the execution of its mandate:

(*a*) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(*c*) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-eighth session;

(*j*) To continue to formulate comments on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

3. *Deplores* the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. *Urges* the Governments concerned:

(*a*) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(*b*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*c*) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(*d*) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(*e*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. *Reminds* Governments:

(*a*) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(*b*) That they should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*c*) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(*d*) That impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof;

6. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(*b*) Its satisfaction to the Governments that are investigating, or developing appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration;

8. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. *Decides* to renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

10. *Requests* the Working Group to report on its activities to the Commission at its fifty-eighth session;

11. *Requests* the Chairperson of the fifty-seventh session of the Commission, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission at its fifty-eighth session and to the working group established under paragraph 12 of the present resolution at its first session;

12. *Decides* to establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all

persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, for consideration and adoption by the General Assembly;

13. *Requests* the Secretary-General:

(*a*) To ensure that the Working Group on Enforced Disappearances receives all the assistance and resources it requires to perform its function, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

14. *Decides* to consider this matter at its fifty-eighth session under the same agenda item;

15. *Recommends* to the Economic and Social Council the adoption of the following draft decision:

[For the text, see chap. I, draft decision 26.]

73rd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/47. The right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free society, *Recalling* the Principles on Freedom of Information Legislation (The Public's Right to Know) annexed to the previous report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63, annex II),

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex),

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Deeply concerned at numerous reports of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information as well as other persons exercising their right to freedom of opinion and expression, including human rights defenders,

Reaffirming the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and noting the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Taking note of the joint statement on racism and the media issued by the Special Rapporteur on the right to freedom of opinion and expression of the Commission on Human Rights, the Special Rapporteur on Freedom of Expression of the Organization of American States and the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (A/CONF.189/PC.2/24, annex) as a contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression, the right to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and recognizing that their contributions to these efforts are often constrained by the lack of full and effective enjoyment of their right to freedom of expression,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights;

2. *Welcomes* the report of the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2001/64 and Add.1) and welcomes in particular his ongoing and increasing cooperation with other thematic and country-specific mechanisms and with other organizations;

3. *Expresses its continuing concern* at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them, or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

4. *Calls for* further progress towards the release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that each individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

5. *Expresses its concern* at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration and too vague a definition of offences against State security;

6. *Recalls* that the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions as set out in article 19 of the Covenant, and encourages States to review their procedures and legislation to ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

7. *Also recalls* that the primary responsibility for promoting and protecting the right to freedom of opinion and expression rests with the State, notes with concern increasing reports of actions, as described in the report of the Special Rapporteur, which are having a negative impact on the ability of individuals and groups fully to enjoy their right to freedom of expression;

8. *Expresses its concern* that high rates of illiteracy continue to exist in the world, and reaffirms that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person;

9. *Urges* Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

10. *Recognizes* that effective participation depends on the ability to express oneself freely and the freedom to seek, receive and impart information and ideas of all kinds, and urges Governments to facilitate the effective participation of women in decision-making levels in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

11. *Invites once again* the working groups, representatives and special rapporteurs of the Commission to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated, intimidated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

12. *Appeals* to all States:

(*a*) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information regardless of frontiers, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms, and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(*b*) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(*c*) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the freedom of opinion and expression and can be carried out without fear of legal, criminal or administrative sanction by the State;

(*d*) To cooperate fully with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate, including giving serious consideration to requests from the Special Rapporteur for in-country visits;

13. *Invites* States to submit to the Special Rapporteur comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of human immunodeficiency virus (HIV) infection, and invites the Special Rapporteur, within the framework of his mandate, to consider these comments with a view to sharing best practices;

14. *Draws the attention* of Governments to the Principles on Freedom of Information Legislation (The Public's Right to Know), welcomes the submission of comments on these Principles by several Governments and invites other Governments to reflect upon them and to submit their comments to the Special Rapporteur;

15. *Urges* the Secretary-General to ensure that the practices of the United Nations system concerning access to information are consistent with Commission resolutions 1999/60 on public information and 1999/64 on human rights education, of 28 April 1999;

16. *Invites* the Special Rapporteur, within the framework of his mandate:

(*a*) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within her mandate, to take into account reports in this regard in the context of her activities to promote and protect human rights with a view to preventing the occurrence and recurrence of human rights violations;

(*b*) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

(*c*) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations and their mechanisms and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(*d*) To consider approaches taken to access to information with a view to sharing best practices;

(*e*) To continue to provide his views, when appropriate, on the advantages and challenges of new information technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources;

(*f*) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

17. *Stresses* the importance of a diversity of sources of information, including mass media, at all levels, and the importance of the free flow of information, as a way to promote full enjoyment of the freedom of opinion and expression;

18. *Affirms* the vital importance for the promotion and protection of the rights to freedom of opinion and expression of compliance by each State with the obligations established under the International Convention on the Elimination of All Forms of Racial Discrimination, in particular article 4;

19. *Looks forward* to the Special Rapporteur's submission to the High Commissioner in response to the request contained in paragraph 13 (*g*) of resolution 2000/38, to be presented as an official document to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session as an effective contribution to the process, and encourages the Special Rapporteur to attend the World Conference in order fully to contribute to the proceedings arising from his mandate;

20. *Expresses once again its concern* at the inadequate resources, both human and material, provided to the Special Rapporteur, and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

21. *Requests* the Special Rapporteur to submit to the Commission at its fifty-eighth session a report covering activities relating to his mandate, and decides to continue its consideration of this question at that session.

73rd meeting
23 April 2001
[Adopted by a roll-call vote of 44 to none,
with 8 abstentions. See chap. XI.]

2001/48. Traffic in women and girls

The Commission on Human Rights,

Taking note of the United Nations Millennium Declaration, particularly the resolve expressed by heads of State and Government to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

Recalling all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions pertaining to the traffic in women and children adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women, the Ninth and Tenth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" and the twenty-fourth special session of the General Assembly entitled "World Summit on Social Development and beyond: achieving social development for all in a globalizing world",

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which both violate and impair or nullify the enjoyment by women and girls of their human rights and fundamental freedoms and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Welcoming the adoption by the General Assembly in its resolution 55/25 of 15 November 2000 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Welcoming also the adoption by the Assembly of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

Recognizing the importance of bilateral, subregional and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and children, in particular girls, and taking note of the recently established Task Force on Trafficking in Human Beings of the Stability Pact for South-Eastern Europe, as well as the draft convention for preventing and combating trafficking in women and children for purposes of prostitution of the South Asian Association for Regional Cooperation and the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children, *Recognizing also* that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, particularly women and children, demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Stressing the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies, including on the *modus operandi* of trafficking syndicates,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Recognizing the need to address the impact of globalization on the problem of trafficking in women and children, in particular girls,

Seriously concerned at the increasing number of women and girl children from developing countries and from some economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of boys,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of prostitution, child pornography, paedophilia and any other forms of sexual exploitation of children, trafficking in women as brides and sex tourism,

1. *Takes note with appreciation* of the report of the Secretary-General (E/CN.4/2001/72) on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

2. *Takes note* of the report of the Special Rapporteur on violence against women, its causes and consequences, notably on the issue of trafficking in women and girls (E/CN.4/2001/73/Add.2), and acknowledges the full cooperation and assistance extended to the Special Rapporteur by the Governments of countries visited, the actions being taken by these countries to address the problem as well as the political commitment expressed to eradicate trafficking;

3. *Invites* Governments as well as donor countries, the Office of the United Nations High Commissioner for Human Rights and international, regional and non-governmental organizations to consider the recommendations of the Special Rapporteur on the issue of trafficking, in particular on the need for greater allocation of resources and better coordination of programmes and activities in tackling this problem;

4. *Takes note* of the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78 and Add.1-2);

5. *Invites* human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission, the Office of the High Commissioner, other United Nations bodies and international organizations to continue to address within their mandates the problem of trafficking in women and girls, and to share their knowledge and best practices as widely as possible;

6. *Urges* Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

7. *Invites* Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms, including taking steps to ensure all legislation related to combating trafficking is gender-sensitive and provides protection for the human rights of women and girls and against violations committed against women and girls;

8. *Calls upon* Governments to criminalize trafficking in women and children in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

9. *Encourages* Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and children, in particular girls;

10. *Urges* Governments to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and the protocols supplementing the Convention, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

11. *Also urges* Governments to consider signing and ratifying the Convention on the Rights of the Child, and the Optional Protocol thereto on the sale of children, child prostitution and child pornography and the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

12. *Invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and children, in particular girls;

13. *Encourages* Governments, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

14. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

15. *Encourages* Governments, intergovernmental and non-governmental organizations, the human rights treaty bodies, the special rapporteurs, especially the Special Rapporteur on violence against women, the Special Rapporteur on the sale of children and the Special Rapporteur on the human rights of migrants, and subsidiary bodies of the Commission to participate in and contribute to the work of the twenty-sixth session of the Working Group on Contemporary Forms of Slavery in 2001 that will focus on the issue of trafficking;

16. *Requests* the Secretary-General to provide the Commission, at its fifty-eighth session, with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

17. *Decides* to continue its consideration of this question at its fifty-eighth session under the appropriate agenda item.

75th meeting
24 April 2001
[Adopted without a vote. See chap. XII.]

2001/49. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women, *Reaffirming* the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104 of 20 December 1993,

Recalling all its previous resolutions on the elimination of violence against women, in particular its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women, and welcoming also the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Welcoming the resolve expressed at the highest levels to combat all forms of violence against women, as contained in the United Nations Millennium Declaration,

Noting the Agenda for War-Affected Children adopted on 17 September 2000 at the International Conference on War-Affected Children and the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (A/55/138-S/2000/693, annexes I and II),

Noting Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and/or a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

Reaffirming the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity and war crimes,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

1. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note with appreciation of her report (E/CN.4/2001/73 and Add.1-2);

2. *Condemns* all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

3. *Affirms* that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, including female genital mutilation, and forced marriages;

4. *Also affirms* that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;

5. *Strongly condemns* physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

6. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, reaffirms the commitment to accelerate the achievement of universal ratification of the Convention, and urges all States that have not yet ratified or acceded to the Convention to do so;

7. *Welcomes* the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000;

8. *Urges* States parties to consider signing and ratifying the Optional Protocol to the Convention;

9. *Welcomes* the adoption by the General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, and urges Governments to consider signing and ratifying or acceding to the Protocol;

10. *Stresses* the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

(*a*) To apply international human rights norms and to ratify and implement fully international human rights instruments that relate to violence against women;

(*b*) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(*c*) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that they conform with relevant international human rights instruments and humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(*d*) To support initiatives undertaken by women's organizations and non-governmental organizations on the elimination of violence against women, including awareness-raising campaigns, to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services to respond to the needs of women and girl survivors of violence and to assist them in their full recovery and reintegration into society;

(*e*) To consider undertaking comprehensive, objective and easily accessible information campaigns about violence against women;

(*f*) To create, improve or develop, as appropriate, and fund training programmes, taking into account, *inter alia*, sex-disaggregated data on the causes and effects of violence against women, for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to avoid the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(*g*) To sensitize all persons, men and women, to the causes and effects of violence against women and to highlight men's role in its prevention and elimination, to encourage and support men's initiatives to complement the efforts of women's organizations in this regard, and to encourage behavioural change by perpetrators of violence against women;

11. *Condemns* violence against women committed in situations of armed conflict, such as murder, rape, including systematic rape, sexual slavery and forced pregnancy, and calls for effective responses to these violations of international human rights and humanitarian law;

12. *Welcomes* efforts to eliminate impunity for violence against women in situations of armed conflict including by prosecuting gender-related crimes and crimes of sexual violence in the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

13. *Also welcomes* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and the finalized draft text of the Elements of Crimes, and urges States to consider ratifying or acceding to the Rome Statute of the International Criminal Court;

14. *Urges* the integration of a gender perspective in all future efforts to eliminate impunity;

15. *Urges* States to integrate a gender perspective into commissions of inquiry and commissions for achieving truth and reconciliation, and invites the Special Rapporteur to report, as appropriate, on these mechanisms;

16. *Also urges* States to provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions in dealing with victims, particularly women and girls, of violence, including sexual violence, and in this regard acknowledges the important role of peace support operations personnel in eliminating violence against women, and calls upon States to promote, and relevant agencies of the United Nations system and regional organizations to ensure, implementation of the Ten Rules Code of Personal Conduct for Blue Helmets;

17. *Further urges* all States and the relevant organs, bodies and agencies of the United Nations system, and encourages regional organizations and humanitarian organizations, including the International Committee of the Red Cross, to ensure that a gender perspective is integrated into international humanitarian law awareness programmes;

18. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of camps and settlements for refugees and internally displaced persons and to improve and strengthen the capacity of women affected by situations of armed conflict, including women refugees and displaced women, by, *inter alia*, involving them in the design and management of humanitarian activities so that they benefit from these activities on an equal basis with men;

19. *Urges* States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum;

20. *Urges* Governments to include women in all peace, reconciliation and reconstruction activities and to ensure that all repatriation and resettlement programmes, as well as rehabilitation, reintegration and post-conflict reconstruction, address the special needs of women and take into account their specific, relevant experiences in formulating programmes;

21. *Stresses* the importance of mainstreaming a gender perspective into the preparations for and the work and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and urges the inclusion of women in delegations to the Conference;

22. *Encourages* Governments and the United Nations system to ensure greater international cooperation in, and national attention to, acquiring data and developing indicators on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence, and calls upon States to include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex-disaggregated data and, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Platform for Action adopted by the Fourth World Conference on Women;

23. *Requests* all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

24. *Welcomes* the efforts of the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

25. *Invites* the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission, including, where appropriate, undertaking joint missions and writing joint reports;

26. *Requests* special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages human rights treaty bodies, to give consideration to violence against women within their respective mandates and to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, and in particular to respond to her requests for information on violence against women, its causes and consequences;

27. *Renews* its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

28. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-sixth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

29. *Decides* to continue consideration of the question as a matter of high priority at its fifty-eighth session.

75th meeting
24 April 2001
[Adopted without a vote. See chap. XII.]

2001/50. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject,

Recalling also that, in the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing that all entities of the United Nations system, as well as the major United Nations conferences and summits, including in the process of implementation of their outcome, should further mainstream a gender perspective at all levels, bearing in mind the need for integrated and coordinated follow-up,

Bearing in mind that the Fourth World Conference on Women, held in Beijing in September 1995, in its Platform for Action (A/CONF.177/20, chap. I, annex II), and the General Assembly, in the outcome document of its twenty-third special session, entitled "Women 2000: gender equality, development and peace for the twenty-first century", called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Welcoming the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000, *Emphasizing* the pivotal role of the Commission on the Status of Women in promoting equality between women and men, and welcoming its agreed conclusions on the human rights of women and on the other critical areas of concern of the Platform for Action,

Acknowledging the need to integrate further the human rights of women and a gender perspective into all aspects of the work of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights and all other subsidiary mechanisms,

Acknowledging also the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

Reaffirming the need to implement fully international humanitarian and human rights law in order to protect fully the human rights of women and girls,

Reaffirming also the important role that women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2001/71);

2. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women;

3. *Recognizes* the importance of examining the intersection of multiple forms of discrimination, including their root causes, from a gender perspective, and their impact on women's advancement, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies;

4. *Invites* the Economic and Social Council to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes of the United Nations system and 1998/2 related to the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular point II.B.3 on the equal status and human rights of women, *inter alia* through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields;

5. *Welcomes* the resolution of the Commission on the Status of Women on mainstreaming the gender perspective into all policies and programmes in the United Nations system, adopted at its forty-fifth session, which, *inter alia*, requests the Economic and Social Council to devote a future coordination segment, by 2005, to the review and appraisal of the

system-wide implementation of agreed conclusions 1997/2 and to identify further strategies to accelerate the implementation of these policies and programmes, and, as part of this review and appraisal, to invite the functional commissions to report on progress made to implement the agreed conclusions in their work;

6. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system, including through continued cooperation with the Special Adviser on Gender Issues and Advancement of Women;

7. *Welcomes* the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights and, similarly, the participation of the Chair of the Commission on Human Rights in the sessions of the Commission on the Status of Women, and encourages the continuation of this reciprocal collaboration;

8. *Also welcomes* the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights aimed at mainstreaming the human rights of women and the report of the Secretary-General on the joint work plan for the year 2001 (E/CN.4/2001/70-E/CN.6/2001/3), and encourages the Secretary-General to ensure its implementation, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-eighth session and to the Commission on the Status of Women at its forty-sixth session;

9. *Draws attention* to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into United Nations human rights activities and programmes (E/CN.4/1996/105, annex) and, in this regard, urges the full implementation of those recommendations and notes with interest the workshop on gender integration in the human rights system, organized jointly by the Office of the High Commissioner, the Division for the Advancement of Women and the United Nations Development Fund for Women and held from 26 to 28 May 1999;

10. *Urges* the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees to bear in mind, in the recruitment of staff, including for peacekeeping operations and humanitarian and human rights missions, the need for expertise in the enjoyment by women and girls of human rights;

11. *Emphasizes* the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, *inter alia*,

the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

12. *Stresses* the importance of mainstreaming a gender perspective into the preparations, work and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place in Durban, South Africa, from 31 August to 7 September 2001, and urges the inclusion of women in delegations to the Conference;

13. *Recognizes* that gender mainstreaming will strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system, and in this regard strongly encourages Member States to promote gender balance by, *inter alia*, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, including international courts and tribunals, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 55/69 of 4 December 2000 on improvement of the status of women in the United Nations system;

14. *Encourages* United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

15. *Requests* all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights, and invites human rights treaty bodies, regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination, welcomes in this regard the adoption by the Committee on the Elimination of Racial Discrimination of its general recommendation XXV on gender-related dimensions of racial discrimination at its fifty-sixth session in March 2000, and also welcomes General Comment No. 28 of the Human Rights Committee on equality of rights between men and women adopted at its sixty-eighth session in March 2000, and General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights) adopted by the Committee on Economic, Social and Cultural Rights in May 2000;

16. *Welcomes* the proposal to update the study on integrating a gender perspective into the work of the human rights treaty bodies (HRI/MC/1998/6);

17. *Recalls* the paper prepared for the meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme held from 28 to 30 May 1996

(E/CN.4/1997/3, annex) and the description therein of gender-specific analysis and reporting as an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

18. *Notes with appreciation* the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

19. *Urges* the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications, and to work with the United Nations conference services to ensure gender-inclusive language and interpretation in the proceedings of the Office;

20. *Encourages* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, bearing in mind the workshops on gender integration, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind also the need:

(*a*) To develop gender-sensitive guidelines to be used in the review of reports of States parties;

(*b*) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(*c*) To incorporate a gender analysis and to exchange information regularly in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(*d*) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

21. *Encourages* all entities charged with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use sex-disaggregated data and gender-specific information in their activities and to apply gender analysis in monitoring and reporting;

22. *Welcomes* the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

23. *Encourages* all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding observations and general recommendations are better utilized in their respective work;

24. *Urges* all States that have not yet ratified or acceded to the Convention to do so, so that universal ratification of the Convention can be achieved as soon as possible, and urges all States parties that have not yet done so to consider signing, ratifying or acceding to the Optional Protocol to the Convention;

25. *Urges* States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

26. *Urges* States that have ratified or acceded to the Convention to take action to implement the Convention fully, *inter alia* through national legislation, policies and practice, and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

27. *Notes* the first resolution on women and peace and security adopted by the Security Council, resolution 1325 (2000), which, *inter alia*, calls on actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, *inter alia*, measures that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

28. *Welcomes* the 1999 Inter-Agency Standing Committee policy statement for the integration of a gender perspective in humanitarian assistance, and encourages the Committee to evaluate its implementation and impact;

29. *Also welcomes* General Assembly resolution 55/71 of 4 December 2000, in which the Assembly, *inter alia*, encouraged the Economic and Social Council to request the regional commissions, within their respective mandates and resources, to build up a database, to be updated regularly, in which all programmes and projects carried out in their respective regions

by agencies or organizations of the United Nations system are listed, and to facilitate their dissemination, as well as the evaluation of their impact on the empowerment of women through the implementation of the Platform for Action adopted by the Fourth World Conference on Women;

30. *Requests* the Secretary-General to report, at its fifty-eighth session, on the implementation of the present resolution;

31. *Decides* to integrate a gender perspective into all of its agenda items;

32. *Also decides* to continue its consideration of the question at its fifty-eighth session.

75th meeting
24 April 2001
[Adopted without a vote. See chap. XII.]

2001/51. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolutions 1999/49 of 27 April 1999 and 1997/33 of 11 April 1997 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the fact that the special session of the General Assembly on HIV/AIDS is scheduled to be held from 25 to 27 June 2001 and that the report of the Secretary-General for the session (A/55/779) addresses issues of human rights and HIV/AIDS,

Also welcoming the fact that many positive steps in implementing its previous resolutions have been taken, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against persons infected or presumed to be infected and members of vulnerable groups,

Encouraging the continuation of national, regional and international consultations in the field of HIV/AIDS and human rights,

Noting with concern that, according to estimates by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, in 2000 the number of people living with HIV increased to 36.1 million, the number of people newly infected with HIV was 5.3 million and the number of people who died from AIDS was 2.3 million, *Noting with particular concern* that more than 95 per cent of all people infected with HIV live in the developing world, in conditions of poverty, underdevelopment, conflict and inadequate measures for the prevention, treatment and care of HIV/AIDS infection,

Noting the devastating impact of HIV/AIDS, including increased mortality and morbidity among the working-age population, losses in family income, greater numbers of orphans, the disproportionate burden borne by women at the personal, family and community levels and higher health and social costs,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all so as to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Concerned that lack of full enjoyment of human rights by persons suffering from economic, social or legal disadvantage heightens the vulnerability of such persons to the risk of HIV infection and to its impact, if infected,

Also concerned that, in many countries, many people infected and affected by HIV, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Welcoming the significant role of UNAIDS in cooperation with relevant bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS, and in the full range of prevention, treatment and care activities,

Reiterating that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS,

Welcoming the report of the Secretary-General on the protection of human rights in the context of HIV and AIDS (E/CN.4/2001/80), which provides an overview of action taken by Governments, specialized agencies and international and non-governmental organizations on the implementation of the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and their dissemination, and which addresses issues of technical cooperation for the promotion and protection of human rights in the context of HIV/AIDS,

1. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of HIV-related human rights as contained in the Guidelines on HIV/AIDS and Human Rights;

2. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to contribute to international cooperation in the context of HIV/AIDS-related human rights through, *inter alia*, working on advancing HIV/AIDS prevention and care programmes, including facilitating access to treatment and care in the context of HIV/AIDS, and through sharing knowledge, experiences and achievements concerning HIV-related issues;

3. *Invites* States to strengthen national mechanisms for protecting HIV/AIDS-related human rights and to take all necessary measures to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women, children and vulnerable groups, so that infected persons who reveal their HIV status, those presumed to be infected and other affected persons are protected from violence, stigmatization and other negative consequences;

4. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular the least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic, alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations and care for those infected;

5. *Urges* States to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination, promote effective programmes for the prevention of HIV/AIDS, including through education and awareness-raising campaigns and improved access to high-quality goods and services for preventing transmission of the virus, and promote effective programmes for the care and support of persons infected and affected by HIV, including through improved and equitable access to safe and effective medication for the treatment of HIV infection and HIV/AIDS-related illnesses;

6. *Requests* States to establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for HIV/AIDS response and to translate national policies to district level and local action, involving in all phases of development and implementation non-governmental and community-based organizations and people living with HIV/AIDS;

7. *Also requests* States to develop and support services, including legal aid where appropriate, to educate people infected and affected by HIV/AIDS about their rights and to assist them in realizing their rights;

8. *Further requests* States to take all the necessary steps, including appropriate education, training and media programmes, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people infected and affected by HIV/AIDS;

9. *Requests* States, in consultation with the relevant national professional bodies, to ensure that codes of professional conduct, responsibility and practice respect human rights and dignity in the context of HIV/AIDS, including access to care for people infected and affected by HIV/AIDS;

10. *Also requests* States, in consultation with relevant national bodies, including national human rights institutions, to develop and support appropriate mechanisms to monitor and enforce HIV/AIDS-related human rights;

11. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to HIV/AIDS-related rights and invites States to include appropriate HIV/AIDS-related information in the reports they submit to the relevant treaty bodies;

12. *Requests* all special representatives, special rapporteurs and working groups of the Commission, *inter alia*, the special rapporteurs on the right to education, on the promotion and protection of freedom of opinion and expression, on violence against women, its causes and consequences, and on the sale of children, child prostitution and child pornography, to integrate the protection of HIV-related human rights within their respective mandates;

13. *Requests* the Secretary-General to invite the United Nations organs and programmes, as well as the specialized agencies and Member States, to integrate HIV-related human rights into their policies, programmes and activities, including those involving regional intergovernmental human rights and other bodies, and to involve non-governmental and community-based organizations in all phases of development and implementation, to help ensure a system-wide approach, stressing the coordinating and catalytic role of UNAIDS;

14. *Also requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the Guidelines on HIV/AIDS and Human Rights and the present resolution, and to submit, in consultation with interested parties, a progress report for consideration at its fifty-ninth session.

75th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/52. Human rights of migrants

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin, *Reaffirming* that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Reaffirming also that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee the rights enunciated in that Covenant will be exercised without discrimination of any kind, including on the basis of national origin,

Reaffirming further the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Taking note of the large and increasing number of migrants in the world,

Deeply concerned at the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Noting the concern about the human rights of migrants expressed by the countries and regions of the world at the regional preparatory conferences for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and reflected in the Political Statement and General Conclusions adopted in Strasbourg, France, in October 2000 by the European Conference against Racism (A/CONF.189/PC.2/6, chaps. I and II); in the Declaration and Plan of Action adopted in Santiago in December 2000 by the Regional Conference of the Americas (A/CONF.189/PC.2/7, chaps. I and IV); in the Declaration and Recommendations for a Programme of Action adopted in Dakar in January 2001 by the Regional Conference for Africa (A/CONF.189/PC.2/8, chap. I) and in the Declaration and Plan of Action adopted in Tehran in February 2001 by the Asian Preparatory Meeting (A/CONF.189/PC.2/9, chaps. I and V),

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, *inter alia*, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants who are undocumented or in an irregular situation to their States of origin,

Bearing in mind also the need for a focused and consistent approach towards migrants as a specific vulnerable group, particularly women and children migrants,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants, *Encouraged* by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Recalling with appreciation the recommendations by the Intergovernmental Working Group of Experts on the Human Rights of Migrants on strengthening the promotion, protection and implementation of the human rights of the persons belonging to this large vulnerable group,

Noting advisory opinion OC-16/99 of 1 October 1999 issued by the Inter-American Court of Human Rights regarding the right to information about consular assistance within the framework of the guarantees of due process of law, in the case of foreign nationals detained by the authorities of a receiving State,

Noting also the adoption by the General Assembly, in its resolution 55/25 of 15 November 2000, of the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention,

Noting with appreciation the efforts made by some States to penalize the international trafficking and smuggling of migrants and to protect the victims of this illegal activity,

Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Acknowledges* that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. *Requests* States effectively to promote and protect the fundamental human rights of all migrants, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant human rights instruments, norms and standards;

3. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration to take measures to ensure respect for and protection of human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

4. *Also welcomes* the second report of the Special Rapporteur (E/CN.4/2001/83 and Add.1) submitted pursuant to Commission resolution 2000/48 of 25 April 2000, especially regarding the work she has undertaken, and takes note of her observations and recommendations;

5. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission on Human Rights resolution 1999/44;

6. *Requests* the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

7. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

8. *Requests* the Special Rapporteur, as part of her activities, to continue her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of her mandate;

9. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively, and notes with appreciation that some Governments have already invited her;

10. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

11. *Welcomes* the work of the Special Rapporteur linked to the preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the objectives of the World Conference, and encourages her to continue to help to identify the main issues concerning migrants which the World Conference should address, taking into account the contributions of the regional preparatory conferences;

12. *Requests* the Special Rapporteur, in carrying out her mandate, to take into account bilateral and regional negotiations which aim at addressing, *inter alia*, the return and reinsertion of migrants who are undocumented or in an irregular situation;

13. *Strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social

services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and xenophobia and assisting individual victims of racist acts, including migrant victims;

14. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory policies and practices against migrants and to provide specialized training for government policy-making and law enforcement, migration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

15. *Reiterates* the need for all States to protect fully the universally recognized human rights of migrants, especially those of women and children, regardless of their legal status, and to treat them humanely, particularly with regard to assistance and protection;

16. *Reaffirms emphatically* the duty of States to ensure full respect and observance of the Vienna Convention on Consular Relations, particularly with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

17. *Reaffirms* the responsibility of Governments to safeguard and protect migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

18. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

19. *Encourages* Member States that have not yet done so to enact domestic legislation and to take further effective measures to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual exploitation or forced labour, and also encourages them to strengthen international cooperation to combat such trafficking and smuggling;

20. *Calls upon* States to protect all human rights of migrant children, particularly unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

21. *Welcomes* the proclamation by the General Assembly, in its resolution 55/93 of 4 December 2000, of 18 December as International Migrants Day and the invitation to Member States and intergovernmental and non-governmental organizations to observe it through,

inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection;

22. *Welcomes also* immigration programmes, adopted by some countries that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

23. *Requests* the Special Rapporteur to submit a report on her activities to the Commission at its fifty-eighth session;

24. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of her mandate;

25. *Decides* to examine this question further, as a matter of priority, at its fifty-eighth session under the same agenda item.

75th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/53. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families, *Concerned* at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation and development of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated by individuals or groups against migrant workers in certain segments of many societies,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment directed against migrant workers in different parts of the world;

2. *Urges* countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, *inter alia* through the organization of training courses on human rights;

3. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/2001/79);

4. *Welcomes* the fact that some Member States have signed or ratified the Convention or have acceded to it;

5. *Calls upon* all Member States, in view of the celebration of the tenth anniversary of the adoption of the Convention and of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, expresses the hope that this international instrument will enter into force at an early date and notes that, pursuant to article 87 of the Convention, only four ratifications or accessions are still needed for it to enter into force;

6. *Requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

7. *Welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention and encourages her to persevere in this endeavour;

8. *Welcomes also* the increasing activities of the global campaign for entry into force of the Convention and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting an understanding thereof;

9. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

10. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Specific groups and individuals: migrant workers".

76th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/54. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who do not receive adequate protection and assistance, and conscious of the serious challenge this is creating for the international community,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their specific protection and assistance needs,

Recalling the relevant norms of international human rights law, international humanitarian law and refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling also its previous relevant resolutions, in particular resolution 2000/53 of 25 April 2000, and General Assembly resolution 54/167 of 17 December 1999, as well as the

Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and of the urgency of addressing the root causes of their displacement and of finding durable solutions, including voluntary return in safety and with dignity or local integration,

Noting with appreciation the work of the Representative of the Secretary-General in developing a normative framework, in particular the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with Governments; and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2001/5 and Add.1-5);

2. *Expresses its appreciation* to the Representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. *Also expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the Representative of the Secretary-General;

4. *Commends* the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

5. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations, and to include information thereon in his reports to the Commission and the General Assembly;

6. *Welcomes* the fact that the Representative of the Secretary-General has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requests him to continue his efforts in that regard;

7. *Recalls* the statement by the President of the Security Council of 13 January 2000 (S/PRST/2000/1), which emphasized that national authorities have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction;

8. *Notes with appreciation* that an increasing number of States, United Nations agencies, and regional and non-governmental organizations are making use of the Guiding Principles, encourages the further dissemination and application of the Guiding Principles, expresses its appreciation for the dissemination and promotion of the Guiding Principles at regional and other seminars on displacement, and encourages the Representative to continue to initiate or support such seminars in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, and to provide support for efforts to promote capacity-building and use of the Guiding Principles;

9. *Welcomes* the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic and in-depth attention to women, children and other groups with specific needs among the internally displaced, and to the strategies for addressing such concerns;

10. *Thanks* Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

11. *Calls upon* all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

12. *Also calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

13. *Stresses* the importance of appropriate follow-up to the recommendations of the Representative of the Secretary-General by Governments as well as by the relevant parts of the United Nations system in the Inter-Agency Standing Committee, including at the country level;

14. *Also stresses* the need to further strengthen inter-agency arrangements and the capacities of relevant United Nations agencies to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons;

15. *Encourages* the Representative of the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations, including non-governmental organizations, further to enhance their collaboration and coordination;

16. *Notes with appreciation* the increased attention paid to internally displaced persons in the consolidated inter-agency appeals process and encourages further efforts to improve the integration of the protection and assistance needs of internally displaced persons in consolidated appeals;

17. *Welcomes* the establishment of the global internally displaced persons database, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources;

18. *Also welcomes* the initiatives undertaken by regional organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to address the assistance, protection and development needs of internally displaced persons and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. *Further welcomes* the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

20. *Calls upon* the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

21. *Decides* to extend the mandate of the Representative of the Secretary-General for a further three years;

22. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis;

23. *Requests* the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission;

24. *Decides* to continue its consideration of the question of internal displacement at its fifty-eighth session;

25. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 29.]

76th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/55. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Commission resolution 1995/24 of 3 March 1995 and Economic and Social Council decision 1998/246 of 30 July 1998,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Acknowledging that national or ethnic, religious and linguistic minorities contribute to the diversity of societies and that minority rights promote tolerance within societies, and recognizing that promoting a culture of tolerance through human rights education shall be advanced by all States,

Concerned at the growing frequency and severity of disputes and conflicts regarding minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, *inter alia*, population transfers, refugee flows and forced relocation, *Concerned also* at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2000/16 of 17 August 2000 on the rights of minorities and Sub-Commission decision 2000/109 of 17 August 2000,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

Noting with satisfaction the emphasis by the Working Group on Minorities on the participation of minority representatives in its work,

1. *Takes note* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2001/81) and of the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27 and Corr.1), in particular the conclusions and recommendations contained therein;

2. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through equal access to education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country, and to apply a gender perspective while doing so;

4. *Calls upon* States to give special attention to the promotion and protection of the human rights of children, girls as well as boys, belonging to minorities;

5. *Urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

6. *Recommends* that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

7. *Calls upon* special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

8. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities and to report to the Commission at its fifty-eighth session on concrete projects and activities in this regard;

9. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;

10. *Invites* the High Commissioner to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and invites the United Nations programmes and agencies to continue to give attention, within their respective mandates, to situations of minorities;

11. *Notes* the holding of the first regional workshop of the Working Group on Minorities on multiculturalism in Africa, in Arusha, United Republic of Tanzania, from 13 to 15 May 2000, and a second workshop on the same theme in Kidal, Mali, from 8 to 13 January 2001;

12. *Encourages* the Working Group, as requested by the Sub-Commission, within its mandate, to take due account of activities undertaken and reports prepared by intergovernmental regional organizations on human rights problems and situations involving minorities;

13. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on a manual containing an overview of relevant procedures and mechanisms of regional and international organizations;

14. *Requests* the Working Group to contribute to and participate in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, focusing for this purpose on the relationship between the elimination of racial discrimination and the promotion and protection of the rights of persons belonging to minorities;

15. *Requests* the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

16. *Calls upon* States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group, and invites the High Commissioner to seek voluntary contributions in this regard;

17. *Calls upon* States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

18. *Requests* the High Commissioner to invite Governments and relevant intergovernmental and non-governmental organizations to submit their views on how best to protect the rights of persons belonging to minorities;

19. *Requests* the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

20. *Decides* to continue its consideration of this question at its fifty-eighth session under the same agenda item.

76th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/56. Protection of migrants and their families

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, and that every individual is entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination,

Bearing in mind the obligations undertaken by every State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international instruments on human rights,

Bearing also in mind the conclusions relating to the issue of migrants and their families adopted in the final documents of the World Conference on Human Rights, the World Summit for Social Development and other international conferences and summits organized under United Nations auspices,

Recalling General Assembly resolution 40/144 of 13 December 1985, in which the Assembly adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, and Assembly resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Taking note with deep concern of the persistent obstacles that prevent many migrants and their families from achieving the full enjoyment of their human rights, and bearing in mind that migrants are often victims of ill-treatment and of acts of discrimination, racism and xenophobia, *Taking note* of the adoption by the General Assembly, in its resolution 55/25 of 15 November 2000, of the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention,

Reaffirming the commitment, contained in Article 56 of the Charter of the United Nations, to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55 of the Charter, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Bearing in mind the importance of the participation of all countries involved in migration in international initiatives aimed at protecting the human rights of migrants and their families, and the essential role of international cooperation in addressing in an integral manner diverse issues related to migration,

Taking note of regional initiatives oriented to the protection and promotion of human rights of migrants and their families,

1. *Encourages* all States to consider in their immigration-regularization programmes the promotion and facilitation of the reunification of migrants and their families in an expeditious and effective manner and with due regard to applicable laws;

2. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international and non-governmental organizations to consider supporting States in this regard;

3. *Encourages* all Governments to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

4. *Requests* all States, in conformity with national legislation, firmly to prosecute cases of violation of labour law with regard to migrant workers' conditions of work, including those related to, *inter alia*, their remuneration and the conditions of health and safety at work;

5. *Requests* Governments to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law; and to prosecute, in conformity with applicable law, any act of violation of the human rights of

migrants and their families - *inter alia,* arbitrary detention, torture and violations of the right to life, including extrajudicial executions - during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

6. *Encourages* States of origin and of destination of migrants to consider the adoption of bilateral or regional strategies aimed at protecting the human rights of migrants and their families, as a matter of priority and in conformity with the appropriate legislation, and to effectively combat international trafficking and smuggling of migrants and to protect migrants and their families from exploitation and intimidation by traffickers, smugglers and criminal organizations;

7. *Calls upon* all States to consider the possibility of signing, ratifying and acceding to, as a matter of priority, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

8. *Decides* to consider this question further at its fifty-eighth session, under the same agenda item.

76th meeting
24 April 2001
[Adopted without a vote. See chap. XIV.]

2001/57. Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23),

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health, *Noting with satisfaction* the progress in some countries in the protection and promotion of the human rights of indigenous people,

Encouraged by the growing interest of the international community in the full and effective protection of the human rights of indigenous people,

Taking into account the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Noting with satisfaction the decision of the Economic and Social Council to establish a Permanent Forum on Indigenous Issues, as a subsidiary organ of the Council, with the mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking into account the absence of a mechanism in the Commission with a specific mandate to protect and monitor the respect and enjoyment of the human rights and fundamental freedoms of indigenous people,

Taking particularly into account the recommendation of the Sub-Commission that the Commission appoint a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people,

Recalling its decision 2000/105 of 25 April 2000, adopted without a vote, by which it was decided to postpone the consideration of the draft resolution on the subject (E/CN.4/2000/L.63),

Bearing in mind resolution 2000/22 of the Economic and Social Council of 28 July 2000, entitled "Establishment of a Permanent Forum on Indigenous Issues",

Conscious of the situation of vulnerability in which indigenous people frequently find themselves and that in various situations they are unable to enjoy their inalienable human rights and fundamental freedoms,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people,

Determined to promote the enjoyment of their human rights and fundamental freedoms by indigenous people,

1. *Decides* to appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(*a*) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(*b*) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(*c*) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission and of the Sub-Commission, taking into account the request of the Commission contained in its resolution 1993/30 of 5 March 1993;

2. *Invites* the Special Rapporteur to take into account a gender perspective while in carrying out her/his mandate, paying special attention to discrimination against indigenous women;

3. *Also invites* the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children;

4. *Further invites* the Special Rapporteur, in carrying out his/her task, to take into account all the recommendations of the Working Group on Indigenous Populations and of the Permanent Forum on Indigenous Issues relevant to her/his mandate;

5. *Encourages* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to give special attention to discrimination against indigenous people and requests the Special Rapporteur to consider, in performing his/her work, the recommendations of the World Conference on matters concerning his/her mandate;

6. *Also encourages* the United Nations, including its specialized agencies, other regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

7. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his/her urgent appeals;

8. *Encourages* all Governments to give serious consideration to the possibility of inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

9. *Requests* the Chairperson of the Commission, following formal consultations with the Bureau and the regional groups through the regional coordinators, to appoint as Special Rapporteur an individual of recognized international standing and experience;

10. *Requests* the Special Rapporteur to submit annual reports on his/her activities to the Commission, starting at its fifty-eighth session;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of her/his mandate;

12. *Decides* to consider the follow-up to this question, as a matter of priority, at its fifty-eighth session, under the same agenda item.

76th meeting
24 April 2001
[Adopted without a vote. See chap. XV.]

2001/58. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission, *Welcoming* the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the working group (E/CN.4/2001/85) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* of the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the working group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. *Recommends* that the working group meet for ten working days prior to the fifty-eighth session of the Commission, the cost of the meeting to be met from within existing resources;

5. *Invites* the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal inter-sessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group;

6. *Encourages* organizations of indigenous people that are not already registered to participate in the working group, and that wish to do so, to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

7. *Requests* the working group to submit a progress report for consideration by the Commission at its fifty-eighth session under the agenda item entitled "Indigenous issues";

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 31.]

76th meeting
24 April 2001
[Adopted without a vote. See chap. XV.]

2001/59. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

I. REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. *Takes note* of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2001/2-E/CN.4/Sub.2/2000/46) and of the report of the Working Group on its eighteenth session (E/CN.4/Sub.2/2000/24);

2. *Urges* the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, noting that at its nineteenth session the Working Group will focus on the theme of "Indigenous peoples and their right to development, including their right to participate in development affecting them" and invites Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data on this theme to the Working Group at its nineteenth session;

3. *Again invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. *Recommends* that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-third session of the Sub-Commission;

5. *Invites* the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. *Requests* the Secretary-General:

(*a*) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(*b*) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. *Appeals* to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2001/84);

9. *Invites* the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. *Welcomes* the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people;

11. *Welcomes* the decision by the Economic and Social Council, in its resolution 2000/22 of 28 July 2000, to establish a Permanent Forum for Indigenous Issues as a subsidiary organ of the Council, thereby fulfilling an important objective of the Decade, and encourages all parties concerned to engage in the necessary preparations for the early establishment of the Forum;

12. *Requests* the High Commissioner, in her capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-eighth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. *Notes* that, in her report, the High Commissioner, in her capacity as Coordinator of the Decade, reviews the implementation of the programme of activities of the Decade, takes note of the information contained therein about the activities of the United Nations system, including the specialized agencies, and other intergovernmental activities relating to indigenous people and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

14. *Emphasizes* the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

15. *Appeals* to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

16. *Encourages* Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(*a*) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(*b*) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(*c*) Identifying resources for activities designed to implement the goals of the Decade;

17. *Appeals* to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

18. *Encourages* Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

19. *Requests* the High Commissioner to ensure that the indigenous people's unit in the Office of the United Nations High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

20. *Recommends* that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. *Encourages* the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. *Invites* the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(*a*) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(*b*) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(*c*) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade;

23. *Recommends* that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special session of the General Assembly for the follow-up to the World Summit for Children, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the World Summit on Sustainable Development;

24. *Takes note* of the decision of the Sub-Commission proposing an international conference to evaluate the Decade and suggests that this proposal be considered in the context of the review by the Economic and Social Council without prejudging any outcome, of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness, that will take place once the Permanent Forum on Indigenous Issues has been established and has held its first annual session;

25. *Decides* to consider the International Decade of the World's Indigenous People at its fifty-eighth session under the agenda item entitled "Indigenous issues".

76th meeting
24 April 2001
[Adopted without a vote. See chap. XV.]

2001/60. Work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular resolutions 1998/28 of 17 April 1998, 1999/81 of 28 April 1999 and 2000/83 of 26 April 2000, as well as the terms of reference of the Sub-Commission on Promotion and Protection of Human Rights (formerly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly,

Recalling also the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112), and reaffirming Commission decision 2000/109 of 26 April 2000,

Taking note of:

(*a*) The report of the Sub-Commission on its fifty-second session (E/CN.4/2001/2-E/CN.4/Sub.2/2000/46),

(*b*) The report of the Chairperson of the Sub-Commission at its fifty-second session (E/CN.4/2001/86), *Bearing in mind* the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2), and the Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, annexed to Sub-Commission decision 1999/114 of 26 August 1999,

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-four years;

2. *Also reaffirms* that the Sub-Commission can best assist the Commission by providing it with:

(*a*) Independent expert studies carried out by its members or alternates;

(*b*) Recommendations based on, and after full consideration of, these studies;

(*c*) Studies, research and expert advice at the request of the Commission;

3. *Welcomes* the steps undertaken by the Sub-Commission to reform and improve its agenda for the fifty-third session;

4. *Reiterates*:

(*a*) Its decision that the Sub-Commission should not adopt country-specific resolutions and, in negotiating and adopting thematic resolutions, should refrain from including references to specific countries;

(*b*) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

5. *Invites* the Sub-Commission, with reference to the request contained in Sub-Commission decision 2000/105 of 14 August 2000, to refer to paragraphs 51 to 53, in particular paragraph 52, of the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission;

6. *Recommends* that the Sub-Commission further improve its methods of work by:

(*a*) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(*b*) Giving particular attention to the selection of studies specifically recommended by the Commission and at the same time, focusing on how and when the implementation of existing standards can be improved;

(*c*) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts which would affect confidence in the independence of its members;

(*d*) Facilitating efficient and effective participation of non-governmental organizations;

(*e*) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(*f*) Focusing strictly on questions relating to human rights in accordance with its mandate;

(*g*) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

7. *Invites* the Sub-Commission in particular:

(*a*) To devote sufficient time at its fifty-third session, principally in closed session, to the discussion and adoption of its working methods and timetable, so as to avoid prolonged procedural debates in public meetings;

(*b*) To reserve time to meet in closed session for the preliminary discussion of reports and working papers, for example by holding question-and-answer sessions;

(*c*) To propose further measures to improve the functioning of the Sub-Commission, including the further streamlining of its agenda;

8. *Requests* States:

(*a*) When nominating and electing members and alternates to the Sub-Commission, to be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(*b*) When nominating and electing members and alternates to the Sub-Commission, to keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(*c*) When nominating candidates for the Sub-Commission, to submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

9. *Invites* the Secretary-General to give support to the Sub-Commission, *inter alia* by making available documentation in a timely fashion before each session in the official languages of the United Nations and assisting the Sub-Commission with regard to requests for information from Governments and intergovernmental and non-governmental organizations, but to consider such requests only after they have been approved by the Commission;

10. *Recommends* that the Chairperson of the Sub-Commission or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and the meeting of chairpersons of treaty bodies, so as to facilitate coordination between the Sub-Commission and other relevant bodies and procedures of the United Nations, in accordance with their respective mandates;

11. *Invites* the Chairperson of the fifty-seventh session of the Commission to address the Sub-Commission at the opening meeting of its fifty-third session and to inform it about the present resolution and the debate that took place on this subject at the fifty-seventh session of the Commission under agenda item 16;

12. *Invites* the Chairperson of the fifty-third session of the Sub-Commission to report to the Commission at its fifty-eighth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice;

13. *Decides* to consider the issue of the work of the Sub-Commission again at its fifty-eighth session under the relevant agenda item.

76th meeting
24 April 2001
[Adopted without a vote. See chap. XVI.]

2001/61. United Nations Decade for Human Rights Education (1995-2004)

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies, *Believing* that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Recognizing the role of education in constructing a culture of peace, in particular the teaching of the practice of non-violence, which will promote the purposes and principles embodied in the Charter of the United Nations,

Bearing in mind that 2001 is the sixth year of the United Nations Decade for Human Rights Education and the first year of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, and that their harmonization will enhance the advancement of human rights,

Welcoming the holding of the expert seminar on human rights and peace organized by the University for Peace and the Office of the United Nations High Commissioner for Human Rights in Geneva on 8 and 9 December 2000 as part of the activities in celebration of Human Rights Day on 11 December 2000 and guided by the broad theme of "human rights education",

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82, thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action, *Noting* General Assembly resolution 55/94 of 4 December 2000, in which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the relevant guidelines developed by the Office of the High Commissioner,

Bearing in mind that, according to the Plan of Action, during the year 2000 a mid-term global evaluation of progress made towards the achievement of the objectives of the Decade was to be undertaken by the Office of the High Commissioner, in cooperation with all other principal actors of the Decade, and that the High Commissioner was to report to the General Assembly on the results of the evaluation,

Recalling that the Commission, in its resolution 2000/71 of 26 April 2000, requested the Secretary-General, through the High Commissioner, to submit to the Commission, at its fifty-seventh session the recommendations of the mid-term evaluation report,

1. *Acknowledges with appreciation* the process of the mid-term global evaluation of the United Nations Decade for Human Rights Education undertaken from April to August 2000 by the Office of the High Commissioner, which included the launching of a worldwide survey, the organization of an on-line forum, the convening of an expert meeting and the preparation of the High Commissioner's mid-term global evaluation report (A/55/360);

2. *Takes note with appreciation* of the mid-term global evaluation report of the High Commissioner, which includes an analysis of available information on progress made in the first five years of the Decade at the national, regional and international levels and recommendations for action during the remaining years of the Decade;

3. *Invites* Governments and other Decade actors to consider disseminating widely the recommendations contained in the mid-term global evaluation report, which are annexed to the present resolution, and to take them into account in furthering their human rights education activities during the remaining years of the Decade;

4. *Invites* Governments and intergovernmental organizations to provide information, as appropriate, to the High Commissioner on steps taken to implement the recommendations of the mid-term global evaluation report;

5. *Requests* the High Commissioner to bring the recommendations of the mid-term global evaluation report and the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations

concerned with human rights education and public information, and to report to the Commission, at its fifty-eighth session, on progress made towards the implementation of the present resolution under the same agenda item.

77th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

ANNEX

Recommendations of the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004)*

1. The following main findings of the mid-term global evaluation provide the basis for the following recommendations:

(a) **Obligations of States**. States Members of the United Nations have unanimously proclaimed the United Nations Decade for Human Rights Education, thereby making commitments relating to human rights education, as set out in General Assembly resolution 49/184 of 23 December 1994. Prior to the Decade, Member States had ratified human rights treaties which contained provisions on human rights education, thereby setting themselves treaty obligations with regard to education in general and human rights education in particular. The evaluation, however, reveals that effective national strategies for human rights education have very rarely been developed;

(b) **United Nations system**. The United Nations system has yet to adopt a system-wide response to the Decade, even though the United Nations reforms currently under way call for a system-wide mainstreaming of human rights in all United Nations activities, from needs and country assessment to priority-setting, programming, monitoring and evaluation;

(c) **National and local actors**. National and local actors have contributed greatly towards the achievement of the goals and objectives of the Decade. As indicated above, the Decade has been a catalyst in eliciting a response from Governments but the response has been uneven and clearly much more needs to be done. Both the United Nations and its Member States have repeatedly recognized the invaluable contribution of non-governmental organizations to human rights education. The present review reconfirms that non-governmental organizations are key actors in that field, and that the Decade is slowly but increasingly proving to be a catalyst and an umbrella for their efforts. There is a growing need, however, for increased collaboration and coordination between governmental and non-governmental actors in respect of their human rights education activities;

(d) **Regional cooperation**. The importance of regional and sub-regional approaches is clearly reflected in the work of non-governmental actors at those levels. The present review, however, indicates that while there are well-established intergovernmental regional structures, both within and outside the United Nations, the potential of such structures to contribute to the realization of the goals of the Decade remains largely unfulfilled;

(e) **Monitoring, implementation and evaluation**. Despite the considerable efforts of the Office of the United Nations High Commissioner for Human Rights, it is clear from the experience of the first five years of the Decade that monitoring and evaluation of the Decade need to be strengthened at all levels (international, regional, sub-regional, national and local) and by all actors (intergovernmental, governmental and non-governmental alike);

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* Taken from the report of the United Nations High Commissioner for Human Rights (A/55/360, chap. V, paras. 129-175).

(f) **Resources**. An enormous gap remains between the commitments and obligations made in connection with the Decade, the expectations raised, and the resources actually committed at every level. This gap must be filled as a matter of urgency, if the remaining years of the Decade are to leave a strong foundation of achievement for subsequent work which will truly meet the needs of all for human rights education. Sustainability of activities beyond the Decade is a crucial issue since, as the Decade itself clearly demonstrates, human rights education is indeed a lifelong process.

A. Overall recommendations

2. Overall recommendations directed at all principal actors and for implementation at all levels are set out below.

Human rights education: concepts and methods

3. Value-oriented human rights education alone is insufficient. Human rights education should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability.

4. Creative participatory teaching methods that are relevant to peoples' lives should be used, and human rights should be introduced as a holistic framework.

5. Gender sensitivity should be emphasized in all educational activities.

6. An enabling environment for human rights educators (including the provision of information, training, facilities, equipment and protection from harassment) should be ensured.

7. Priority should be given to sustainable approaches (i.e., training of trainers, integration of human rights into all relevant training and educational curricula etc.).

Content of human rights education

8. Activities for human rights education should address the following issues:

   (a) Economic, social and cultural rights;

   (b) Good governance;

   (c) Impunity, and international criminal tribunals to deal with crimes against humanity;

   (d) Human rights defenders (and the related United Nations declaration), racism and discrimination.

9. The link between development and human rights should be stressed.

10. The universality and indivisibility of human rights should be emphasized.

Programmes on human rights education

11. Sufficient attention should be paid to ensure that the human rights education needs of children and young people, as well as of adults, are met.

12. Interaction among children and youth belonging to different ethnic communities should be promoted. Human rights education should be fostered within and outside school curricula.

13. Human rights education should be promoted in all educational initiatives aimed at adults.

14. Human rights education efforts aimed at the following targets should be increased:

(a) Local government officials, community leaders (both secular and religious);

(b) Legal and paralegal service providers;

(c) Rural populations and illiterate people;

(d) Women and girls;

(e) Vulnerable groups, such as people with human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS), people with disabilities, minorities and the elderly;

(f) Non-state actors, such as multinational corporations, trade and financial organizations (World Trade Organization, World Bank, International Monetary Fund etc.).

15. The utilization of the Decade for Human Rights Education for mobilization and the establishment of partnerships should be increased.

Evaluation, research and monitoring

16. Evaluation and studies and research of long-term impact should be undertaken in order to better understand which approaches work best and why, and in order to elaborate evaluation criteria. Every project on human rights education should incorporate the development of indicators to evaluate qualitative impact.

Mass media and freedom of information

17. Mass media strategies that would effectively promote human rights should be developed. Such strategies might include the following elements:

(a) Media focus on human rights monitoring;

(b) Increasing the use of the media by non-governmental organizations;

(c) Training of media professionals on mechanisms for human rights protection;

(d) Involvement of the community of artists;

(e) Use by the media, when appropriate, of techniques of social marketing.

18. Law reform, policies and practices that improve access to information and strengthen mechanisms that facilitate the flow of information and freedom of the press and other media should be promoted and implemented more vigorously. Human rights education should focus on such law reform policies and practices.

19. The possibilities offered by new information technologies in furthering human rights education should be better exploited, and access to such technologies should be increased. Existing programmes supporting the on-line development of projects on human rights education should be strengthened and new programmes implemented.

Resources

20. Good practices for human rights education should be identified, compiled and disseminated.

21. Organizational capacity-building in human rights education should be fostered.

22. Funding for human rights education should be increased.

23. Research on issues related to human rights education should be enhanced in academic institutions and human rights institutes.

24. When appropriate, alliances with the business sector should be developed in support of human rights education.

B. National level

25. Governments should reaffirm the commitments and obligations that they have already made in respect of human rights education and accelerate their pace of implementation so as to realize significant achievements by the end of the Decade.

26. Governments should promote the development of national strategies for human rights education which are comprehensive (in terms of outreach), participatory (in terms of involvement of all relevant actors), effective (in terms of educational methodologies) and sustainable (over the long term). Such strategies could be embodied in a national plan of action for human rights education (the relevant United Nations guidelines provide guidance in this regard).

27. Human rights education should be included as a component of national development plans and of other relevant national plans of action (general plans of action on human rights or those relating to women, children, minorities, indigenous peoples, etc.).

28. All governmental and non-governmental actors should recognize, in a spirit of mutual respect, each other's potential and capacities in furthering human rights education. Partnerships should be established where cooperation (rather than co-option) is furthered. Maximum use should be made of existing programmes, materials and resources.

29. Systems for better coordination of effort and greater cooperation among the various governmental agencies should be developed.

30. Non-governmental organizations should develop and implement strategies to encourage Governments to fulfil their obligations to integrate human rights education into all forms and levels of education for children, youth and adults, and should monitor those strategies.

31. International resources and materials should be adapted to local linguistic and cultural contexts.

C. Regional level

32. Key regional human rights education organizations, institutions, agencies and networks should be supported (or, if necessary, established) to develop further the human rights education capacity within regions, including support for regional meetings, training of trainers, on-line networking and sharing of region-specific materials.

33. Region-specific programmes or coordination systems to maximize the participation of national entities (whether governmental or non-governmental) in programmes on human rights education should be developed. Such region-specific programmes can be linked to existing regional programmes supported by the United Nations.

34. Strategies should be developed for the wider distribution of materials on human rights education through regional networks.

35. Links should be established with regional mass media, social development and other groups to encourage the inclusion of human rights in their training programmes.

36. Existing regional intergovernmental organizations should be encouraged to integrate human rights education into their programmes and to allocate additional resources in that regard within the framework of the Decade.

37. Work with regional, education-related intergovernmental organizations should be enhanced in order to promote human rights education.

D. International level

38. United Nations institutions should adopt a system-wide approach to the Decade. An effective coordination system should be developed and the role of the Office of the United Nations High Commissioner for Human Rights in such a system should be strengthened.

39. Effective human rights training should be undertaken for all United Nations staff.

40. Human rights education should be included in the agenda of the special session of the General Assembly on the follow-up to the World Summit for Children, to be held in 2001.

41. The Office of the High Commissioner, as requested by the General Assembly, should monitor the developments in human rights education that take place during the Decade. In this regard, Governments should provide adequate means to enable the Office to fulfil that role.

42. The United Nations Educational, Scientific and Cultural Organization, through its network of national commissions, should play an active part in encouraging Governments to develop human rights curricula for formal education and to take steps to ensure that school environments are conducive to human rights education.

43. United Nations treaty bodies should emphasize the obligations of States parties with regard to human rights education by actively seeking detailed information during their review of the reports of State parties. Inadequacies in addressing priority target audiences should consistently be identified by treaty bodies as an area of concern. In addition, treaty bodies should perform a clearing-house role by sharing with Governments approaches and strategies that have proven successful elsewhere, and should keep the Office of the High Commissioner informed of major national developments in human rights education.

44. The capacity for human rights education of national presences of intergovernmental organizations (United Nations resident coordinators, field presences of the Office of the United Nations High Commissioner for Human Rights, United Nations information centres, national and local offices of United Nations agencies, etc.) should be strengthened so that they can provide technical support to national and local activities for human rights education.

45. Intergovernmental organizations should facilitate collaboration between governmental institutions and non-governmental organizations at the national level.

46. Educational materials developed by international organizations should be made easily accessible, distributed free of charge and translated into local languages.

47. The potential support and contribution to human rights education by non-State actors, including the business community, as well as development, trade and financial organizations, should be explored.

2001/62. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the four Geneva Conventions of 12 August 1949 for the protection of victims of war, and in the Rome Statute of the International Criminal Court,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 51/86 of 12 December 1996 and Commission resolution 2000/43 of 20 April 2000 and taking note of Assembly resolution 55/89 of 4 December 2000,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Emphasizing the importance of Governments taking persistent action to prevent and combat torture and commending those Governments which cooperate with non-governmental organizations in this respect,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, which can never be justified under any circumstances whatsoever, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Also condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Condemns in particular* any action or attempt by States or public officials to legalize or authorize torture under any circumstances, including through judicial decisions, and notes the work of the Special Rapporteur in this regard;

4. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

5. *Reminds* Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

6. *Stresses in particular* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

7. *Notes* the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment annexed to Commission resolution 2000/43 and General Assembly resolution 55/89, and encourages Governments to reflect upon the Principles, as a useful tool in efforts to combat torture, and requests the Special Rapporteur, in the normal course of his work, to solicit views from Governments and non-governmental organizations;

8. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

9. *Requests* the Special Rapporteur to study the situation of trade and production in such equipment, its origin, destination and forms, with a view to finding the best ways to prohibit such trade and production and to combat its proliferation, and to report thereon to the Commission;

10. *Reminds* all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

11. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

12. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2001/58) and the ratifications and accessions to the Convention since the fifty-sixth session of the Commission;

13. *Urges* all States to become parties to the Convention as a matter of priority;

14. *Encourages* States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the Convention;

15. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them;

16. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

17. *Urges* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

18. *Also urges* all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

19. *Stresses* that, under article 4 of the Convention, acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict are considered a grave breach of the Geneva Conventions of 12 August 1949, with the perpetrators liable to prosecution and punishment;

20. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the High Commissioner, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

21. *Stresses* that States must not punish personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

22. *Welcomes* the report of the Committee against Torture on its twenty-third and twenty-fourth sessions (A/55/44);

23. *Also welcomes* the work of the Committee and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture within the jurisdiction of States parties;

24. *Urges* States parties to take fully into account, in implementing the provisions of the Convention, the conclusions and recommendations made by the Committee at the end of its consideration of their reports;

25. *Requests* the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention;

26. *Takes note* of the report of the Special Rapporteur (E/CN.4/2001/66 and Add.1-2) and regrets the delay in the issuance of the report, and in this regard recalls the existing page limits for reports and the importance of compliance with the six-week rule for the availability of reports in the six official languages of the United Nations;

27. *Also takes note* of the letter of 11 April 2001 of the Special Rapporteur in which he requests a visit in view of resolution S-5/1 adopted by the Commission at its fifth special session on 19 October 2000, and urges him to undertake such a visit as soon as possible and without further delay, and also urges all parties involved to facilitate such a visit, which remains outstanding;

28. *Notes* the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years, and encourages him to continue to include amongst his recommendations proposals on the prevention and investigation of torture, taking into account information received on training manuals and activities aimed at facilitating the practice of torture;

29. *Decides* to extend for three years the mandate of the Special Rapporteur on the question of torture;

30. *Approves* the methods of work employed by the Special Rapporteur as set out in a previous report (E/CN.4/1997/7, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

31. *Invites* the Special Rapporteur to continue to consider questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their mutual cooperation;

32. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

33. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

34. *Urges* those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

35. *Calls upon* all Governments to give serious consideration to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

36. *Requests* the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications, including both improvements and problems encountered;

37. *Considers it desirable* that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

38. *Invites* the Special Rapporteur to present an interim report to the General Assembly at its fifty-sixth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-eighth session, including all replies sent by Governments that are received in any of the official languages of the United Nations as addenda;

39. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/55/178 and E/CN.4/2001/59 and Corr.1 and Add.1);

40. *Expresses its gratitude and appreciation* to those Governments, organizations and individuals that have contributed to the Fund and encourages them to continue to do so;

41. *Stresses* the importance of the work of the Board of Trustees of the Fund and appeals to all Governments, organizations and individuals to contribute annually to the Fund and preferably by 1 March before the annual meeting of the Board of Trustees, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing requests for assistance;

42. *Stresses in particular* the increasing need for assistance to rehabilitation services for victims of torture and to small projects of humanitarian assistance to victims of torture;

43. *Requests* the Secretary-General to continue to include the Fund, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

44. *Renews* its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

45. *Calls upon* the Board of Trustees of the Fund to report to the Commission at its fifty-eighth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture and of lessons and best practices learned from the activities of the Fund;

46. *Requests* the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

47. *Urges* States parties whose arrears pre-date the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

48. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities, for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

49. *Decides* to continue to consider these questions at its fifty-eighth session, as a matter of priority;

50. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, draft decision 33.]

77th meeting
25 April 2001
[Adopted without a vote. See Chap. XI.]

2001/63. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, and other Assembly resolutions and its own resolutions on this subject,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, 1995-2004, and its own resolutions on this subject,

Bearing in mind General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights with a view to supporting, *inter alia*, national capacities for human rights education and public information,

Mindful of the fact that the United Nations High Commissioner for Human Rights, according to her mandate as established by General Assembly resolution 48/141 of 20 December 1993, is responsible, *inter alia* for the provision of advisory services and technical cooperation at the request of States, as well as for the coordination of United Nations education and public information programmes in the field of human rights,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner and by the Department of Public Information of the Secretariat,

Recognizing also the role of the Department of Public Information, in the context of the Joint United Nations Information Committee, in developing system-wide public information strategies on human rights,

Noting the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Campaign is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign, *Recognizing* the increased efforts undertaken by the Office of the United Nations High Commissioner for Human Rights to disseminate human rights information through its Web site (http://www.unhchr.ch) and its publications and external relations programmes,

1. *Takes note with appreciation* of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (E/CN.4/2001/92);

2. *Expresses its appreciation* for the measures taken by the Department of Public Information, in particular the United Nations information centres, and the Office of the High Commissioner to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;

3. *Also expresses its appreciation* for the close cooperation developed between the Office of the High Commissioner and the Department of Public Information in the realization of the multimedia information programmes in the field of human rights, including the development of information activities relevant to the preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to the strengthening of the role of the mass media in the furtherance of human rights education and public information;

4. *Encourages* the Office of the High Commissioner to continue the development, within the framework of its programme of advisory services and technical cooperation in the field of human rights, of human rights education and training materials, such as targeted training manuals for professional audiences and for human rights field monitors, given the close link and complementarity between human rights education and public information;

5. *Also encourages* the Office of the High Commissioner to establish guidelines on gender inclusivity in all the official languages of the United Nations, for use in the preparation of all its communications, reports and publications;

6. *Further encourages* the Office of the High Commissioner to make available in a timely fashion on its Web site United Nations documents and publications, as well as databases for the promotion of human rights, in the official languages of the United Nations, including through the establishment of hyperlinks to the United Nations central Web site, and in this regard notes the positive effect that the integration of the optical disk system with the United Nations central Web site will have in furthering the promotion of human rights by making all parliamentary documents of the United Nations system freely and publicly available in the official languages, and encourages the efforts of the Department of Public Information with respect to providing computer-accessible information on human rights;

7. *Urges* the Department of Public Information, in cooperation with the Office of the High Commissioner, to continue to utilize fully and effectively United Nations information

centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms in the official languages of the United Nations and in the relevant national and local languages;

8. *Also urges* the Department of Public Information to produce, in cooperation with the Office of the High Commissioner, information material, in particular audio-visual material, on all aspects of human rights in connection with the World Public Information Campaign on Human Rights, the United Nations Decade for Human Rights Education and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

9. *Requests* the Secretary-General to take advantage as much as possible of the collaboration of other international and regional intergovernmental organizations and of non-governmental organizations in the implementation of the World Campaign and in the activities relating to the Decade and the World Conference;

10. *Calls upon* Governments, in accordance with their national conditions, to accord priority, in particular among their parliamentary assemblies, to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

11. *Urges* all Member States to develop a comprehensive, effective and sustainable national plan of action for human rights education and public information, as an integral part of a broad national plan of action for human rights and complementary to other national plans already defined, such as those relating to women, minorities and indigenous peoples, in accordance with the guidelines for national plans of action for human rights education (A/52/469/Add.1 and Corr.1) and the Plan of Action for the United Nations Decade for Human Rights Education (A/51/506/Add.1, appendix);

12. *Encourages* Governments to consider, within the national plans or other regional plans mentioned in paragraph 11 above, the establishment of public access to human rights resource and training centres capable of engaging in research, gender-sensitive training of trainers, the preparation, collection, translation and dissemination of human rights education and training materials, the organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

13. *Also encourages* Governments, where such national public access to human rights resource and training centres already exists, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels, *inter alia* through on-line services, such as educational portals and long-distance training tools;

14. *Encourages* the Office of the High Commissioner, through its programme of advisory services and technical cooperation in the field of human rights, and other international and regional intergovernmental organizations to give priority to and continue to support, *inter alia*, national capacities for human rights education and public information;

15. *Encourages* Governments to contribute to the further development of the Web site of the Office of the High Commissioner, in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

16. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education and public information by all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education and public information strategies;

17. *Calls upon* the Department of Public Information and all relevant United Nations agencies and bodies further to develop mass media strategies for an effective promotion of human rights, as recommended in the report of the High Commissioner on the mid-term global evaluation of the United Nations Decade for Human Rights Education (A/55/360);

18. *Requests* the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the Office of the High Commissioner and the Department of Public Information to implement fully their respective programmes;

19. *Also requests* the Secretary-General to submit to the Commission, at its fifty-ninth session, a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights and to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up;

20. *Decides* to continue its consideration of this question at its fifty-ninth session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education, 1995-2004.

77th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/64. Human rights defenders

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms,

Recalling its resolution 2000/61 of 26 April 2000,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Welcoming the appointment by the Secretary-General of a special representative to report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration,

Noting with deep concern the considerable number of communications received by the Special Representative that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration;

2. *Welcomes* the report of the Special Representative (E/CN.4/2001/94);

3. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information requested;

4. *Requests* all concerned United Nations agencies and organizations within their mandates to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;

6. *Decides* to consider this question at its fifty-eighth session, under the same agenda item.

77th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/65. Promotion of a democratic and equitable international order

The Commission on Human Rights,

Recalling its resolution 2000/62 of 26 April 2000, and noting General Assembly resolution 55/107 of 4 December 2000,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and *inter alia*, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Underlining that it is an imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based upon common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation,

Resolved, at the beginning of a new century and millennium, to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Further affirms* that a democratic and equitable international order requires, *inter alia*, the realization of the following:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development;

(*d*) The right of all peoples to peace;

(*e*) The promotion of an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) Solidarity, as a fundamental value by virtue of which global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice, ensuring that those who suffer or who benefit least receive help from those who benefit most;

(*g*) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(*h*) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(*i*) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular, correcting the inequalities in the flow of information to and from developing countries;

(*j*) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(*k*) The entitlement of every person and all peoples to a healthy environment;

(*l*) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(*m*) The enjoyment by everyone of ownership of the common heritage of mankind;

4. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

5. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

6. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

7. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

8. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

9. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

10. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

11. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order and to take into account the present resolution when convening any seminar, workshop, or any other activity in relation to the issue of democracy;

12. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

13. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

77th meeting
25 April 2001
[Adopted by a roll-call vote of 32 votes to 16,
with 4 abstentions. See chap. XVII.]

2001/66. Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments on human rights,

Recalling the adoption by the General Assembly of resolution 96 (I) of 11 December 1946, which declares genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Recalling also General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling further its resolutions 1998/10 of 3 April 1998 on the fiftieth anniversary of the Convention and 1999/67 of 28 April 1999, on the Convention,

Noting that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Noting also the significance of the adoption on 17 July 1998 of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Noting further the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968, *Mindful* of the suffering caused by genocide to mankind and that the danger of the repetition of genocide has not completely disappeared,

Convinced that the Commission will continue its contribution to and efforts in preventing situations in which the crime of genocide could be committed,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention;

3. *Invites* States that have not yet ratified or acceded to the Convention to do so and subsequently to enact the necessary legislation to give effect to the provisions of the Convention;

4. *Invites* the Secretariat and relevant organs and agencies of the United Nations system, within their respective mandates, to disseminate widely the Convention, with a view to ensuring its universality and full and comprehensive implementation;

5. *Calls upon* all Member States to continue to give serious consideration to the matter of the prevention and punishment of the crime of genocide;

6. *Decides* to examine the issue at its fifty-ninth session.

77th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/67. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, *Recalling* its resolution 2000/70 of 26 April 2000 on the enhancement of international cooperation in the field of human rights and General Assembly resolution 54/181 of 17 December 1999, as well as Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations,

Reaffirming its commitment to promoting and enhancing genuine international cooperation in the field of human rights among Member States, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23),

Emphasizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

Underlining that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling Sub-Commission on the Promotion and Protection of Human Rights resolution 2000/22 of 18 August 2000, concerning the promotion of dialogue on human rights issues, adopted by the Sub-Commission at its fifty-second session, and noting that the Sub-Commission will give further consideration to the question of a dialogue among civilizations at its fifty-third session,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, *inter alia*, international cooperation;

2. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter;

4. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and the protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

5. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

6. *Welcomes* the decision of the General Assembly to proclaim the year 2001 the United Nations Year of Dialogue among Civilizations, reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity and notes in this respect the holding of the Asian Conference on Dialogue among Civilizations on 17 February 2001 in Tehran, as well as the first meeting of the group of eminent persons on a dialogue among civilizations, held in Vienna in December 2000.

7. *Decides* to continue its consideration of this question, as a matter of priority, at its fifty-eighth session.

78th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/68. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (*a*) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996, *Recalling* its resolutions 1998/8 of 3 April 1998, 1999/61 of 28 April 1999 and 2000/65 of 26 April 2000, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Also welcoming the abolition of the death penalty which has taken place in some States since the Commission's last session, and in particular in those States that have abolished the death penalty for all crimes,

Commending the States that have recently acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights,

Welcoming the recent signatures of the Second Optional Protocol by some States,

Welcoming the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9 and Corr.1), with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the Covenant and the Convention on the Rights of the Child,

Concerned that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. *Welcomes* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3) and looks forward to receiving the yearly supplement on changes in law and practice concerning the death penalty worldwide as requested in Commission resolution 2000/65;

2. *Also welcomes* resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights;

3. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;

4. *Urges* all States that still maintain the death penalty:

(*a*) To comply fully with their obligations under the Covenant and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(*b*) To ensure that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience;

(*c*) Not to enter any new reservations under article 6 of the Covenant which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 of the Covenant enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(*d*) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under the Vienna Convention on Consular Relations;

(*e*) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(*f*) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

5. *Calls upon* all States that still maintain the death penalty:

(*a*) Progressively to restrict the number of offences for which the death penalty may be imposed;

(*b*) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(*c*) To make available to the public information with regard to the imposition of the death penalty;

6. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

7. *Requests* the Secretary-General to continue to submit to the Commission, at its fifty-eighth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law

and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than eighteen years of age at the time of the offence;

8. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

78th meeting
25 April 2001
[Adopted by a roll-call vote of 27 votes to 18,
with 7 abstentions. See chap. XVII.]

2001/69. Promotion of the right of peoples to peace

The Commission on Human Rights,

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling the fact that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recalling Sub-Commission on the Promotion and Protection of Human Rights resolution 1996/16 of 29 August 1996, *Alarmed* by the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race, and recalling the devastation inflicted by all wars,

Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Reaffirms* the solemn proclamation that the peoples of our planet have a sacred right to peace;

2. *Solemnly declares* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;

3. *Emphasizes* that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

5. *Urges* all States to refrain from using weapons with indiscriminate effects on human health, the environment and economic and social well-being;

6. *Expresses concern* at the real danger of the weaponization of outer space, and the risk of the global arms race gaining new momentum;

7. *Urges* all States to refrain from taking measures which encourage the resurgence of a new arms race, bearing in mind all the resulting predictable consequences for global peace and security, for development and for the full realization of all human rights;

8. *Decides* to continue considering the issue at its fifty-eighth session under the same agenda item.

78th meeting
25 April 2001
[Adopted by a roll-call vote of 29 votes to 16,
with 7 abstentions. See chap. XVII.]

2001/70. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling all previous resolutions and decisions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as Part II.E, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2001/88 and Corr.1),

Taking note also of Sub-Commission resolution 2000/24 of 18 August 2000 on the role of universal and extraterritorial competence in preventive action against impunity,

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Recognizing the establishment of the International Criminal Court as an important contribution to ending the culture of impunity, and recalling the report of the Secretary-General entitled, "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000) acknowledging this contribution,

Acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda,

Welcoming the fact that a large number of States have already signed and/or ratified the Rome Statute of the International Criminal Court (A/CONF.183/9),

Welcoming also, as measures in the fight against impunity and in promoting accountability, the initiatives to establish special judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations in accordance with international standards of justice, fairness and due process of law, with international support,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments, *Convinced also* that exposing violations of human rights, holding their perpetrators, including their accomplices, accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators, including their accomplices, of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing violations, taking measures aimed at preventing their recurrence,

1. *Emphasizes* the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. *Emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;

3. *Welcomes* in this context the progress made in the fight against impunity, including the recognition of the principle of complementarity in the Rome Statute;

4. *Acknowledges* the historic significance of the adoption of the Rome Statute and calls upon all States to consider ratifying or acceding to it;

5. *Calls upon* States to continue to participate actively with the Preparatory Commission for the International Criminal Court;

6. *Calls upon* States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

7. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda and consider ways to support the initiatives to establish special judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations;

8. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices, of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

9. *Welcomes* in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;

10. *Requests* the Secretary-General to seek the views of Governments, and intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations, with a view to a decision on this matter at the fifty-eighth session of the Commission;

11. *Also requests* the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

12. *Further requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-eighth session;

13. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

14. *Decides* to continue its consideration of this matter at its fifty-eighth session under the agenda item entitled "Promotion and protection of human rights".

78th meeting
25 April 2001
[Adopted by a roll-call vote of 39 votes to none, with 13 abstentions. See chap. XVII.]

2001/71. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics concerning the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States parties are obliged to protect children against any form of violence,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Seeking therefore to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Referring to the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration, *Referring also* to resolution 29 C/17 on implementation of the Declaration adopted by the United Nations Educational, Scientific and Cultural Organization, and recalling that in accordance with that resolution member States are urged to keep the Director-General regularly informed of all measures they have taken to implement the principles set forth in the Declaration,

Recalling that article 1 of the Declaration states the principle that the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity,

Recalling also that article 10 of the Declaration affirms that no research or research applications concerning the human genome, in particular in the fields of biology, genetics and medicine, should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals or, where applicable, of groups of people,

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, with the functions of reflecting on the ethical and legal issues raised by research in the life sciences, making recommendations to the General Conference and giving advice concerning the follow-up to the Declaration by identifying practices that could be contrary to human dignity,

Recalling its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997 and 1999/63 of 28 April 1999,

Referring to the United Nations Millennium Declaration which affirms the resolve to ensure free access to information on the human genome sequence,

Referring also to resolution 1997/42 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights regarding this question,

Recalling the adoption by the Committee of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Convinced of the need to develop a life sciences ethic at the national and international levels, and recognizing the need to develop international rules and cooperation in order to ensure that mankind as a whole benefits from the use of the life sciences and to prevent them from being used for any purpose other than the good of mankind,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2001/93 and Add.1);

2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission in its resolution 1999/63 and invites the Governments which have not yet responded to do so;

3. *Reaffirms* the importance of receiving answers from the organizations and specialized agencies of the United Nations and invites the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account;

4. *Invites* the Secretary-General to draw up proposals, on the basis of these contributions and for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, *inter alia*, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Intellectual Property Organization, which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights and report to the Secretary-General within a period to be determined by him;

5. *Invites* the United Nations High Commissioner for Human Rights to pay all due attention to this question within her area of competence;

6. *Draws the attention* of Governments to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole, to the need to safeguard the rights of the individual and his/her dignity, as well as his/her identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

7. *Invites* Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

8. *Requests again* the Sub-Commission on the Promotion and Protection of Human Rights to consider what contribution it can make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its fifty-ninth session;

9. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its fifty-ninth session.

78th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/72. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting the growing recognition of the importance of good governance in the promotion of human rights, and in particular in the United Nations Millennium Declaration adopted by the General Assembly at the Millennium Summit of the United Nations, which brought together heads of State and Government,

Noting also that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights, including the right to development;

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required, in response to the invitation of the United Nations High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission resolution 2000/64 of 26 April 2000, and requests the High Commissioner to reiterate this invitation to States and to extend it to United Nations and other relevant international bodies;

4. *Invites* the High Commissioner, where appropriate and relevant, to draw on her work on the material provided in response to the invitations issued pursuant to paragraph 3 of the present resolution and paragraph 3 of resolution 2000/64 and to inform the Commission of the utility of the material in this respect;

5. *Decides* to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-eighth session under the same agenda item.

78th meeting
25 April 2001
[Adopted without a vote. See chap. XVII.]

2001/73. Human rights and international solidarity

The Commission on Human Rights,

Underlining that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development, *Taking into account* that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Expressing concern at the fact that the immense potentialities for benefit resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

Recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross domestic product for official development assistance,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

1. *Reaffirms* the interdependence between the concepts of democracy, development, and respect for human rights and fundamental freedoms;

2. *Welcomes* the recognition set forth in the declaration adopted by the heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

3. *Urges* the international community to consider urgently ways and means to promote and consolidate international assistance to developing countries in their endeavours for development and for the promotion of conditions that make possible the full realization of all human rights;

4. *Decides* to continue its examination of this issue at the fifty-eighth session under the same agenda item.

78th meeting
25 April 2001
[Adopted by a roll-call vote of 36 votes to 16. See chap. XVII.]

2001/74. Abduction of children from northern Uganda

The Commission on Human Rights,

Guided by the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling also the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva Conventions of 12 August 1949 for the protection of war victims of war, the Additional Protocols thereto of 1977 and other relevant principles of international law,

Welcoming the adoption by the General Assembly, in its resolution 54/263 of 25 May 2000, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which will serve to strengthen international instruments that protect war-affected children,

Recalling its resolution 2000/60 of 26 April 2000 in which the Commission requested the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation of the abduction of children from northern Uganda on the ground in the affected areas,

Noting the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712) submitted to the General Assembly and the Security Council, and the findings and recommendations presented in the report of the Special Representative of the Secretary-General on the impact of armed conflict on children (A/55/442),

Deeply concerned at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda,

1. *Takes note* of the additional report of the Special Representative of the Secretary-General (E/CN.4/2001/76);

2. *Condemns in the strongest terms* the Lord's Resistance Army for the continued abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda;

3. *Demands* the immediate cessation of all abductions and attacks on civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army;

4. *Calls* for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

5. *Calls upon* the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly in its resolution 36/151 of 16 December 1981, to continue to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

6. *Urges* Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children abducted from northern Uganda;

7. *Urges* all parties supporting the continuation of abductions and detentions of children by the Lord's Resistance Army to cease immediately all assistance to and collaboration with the rebel Army;

8. *Welcomes* the bilateral agreement between the Sudan and Uganda signed by the Presidents of the two countries at Nairobi on 8 December 1999;

9. *Also welcomes* the return of some of the abducted children and calls for more efforts to be exerted to release the remaining children held in captivity by the rebels;

10. *Expresses its appreciation* of the commitment made by the Governments of the Sudan and Uganda to make a special effort to locate persons, especially children, who have been abducted in the past and to return them to their families;

11. *Notes* the recent efforts exerted by the Governments of the Sudan and Uganda, complemented by those of the Special Representative of the Secretary-General on the impact of armed conflict on children, the United Nations Children's Fund and intergovernmental organizations, which resulted in the identification and reunification of more of those children with their families;

12. *Takes note with appreciation* of the statement of the United Nations High Commissioner for Human Rights of 19 April 2001 in which she presented the preliminary findings of the team which was sent by her Office to carry out an assessment of the situation on the ground in the affected areas;

13. *Underscores* the gravity of the matter and urges the United Nations and the international community to continue concerted efforts aimed at improving the situation concerning the abduction of children and meeting the needs of the victims;

14. *Decides* to continue its consideration of the question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XIII.]

2001/75. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be the primary consideration in all actions concerning children,

Welcoming the developments in recent years in international legal standards, especially the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, acknowledging the historic significance of the establishment of the Rome Statute of the International Criminal Court (A/CONF.183/9), and noting with interest the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the consensus reached in the relevant resolutions of the fifty-sixth session of the Commission and the fifty-fifth session of the General Assembly, as well as in all previous resolutions on this subject,

Reaffirming also the fundamental principle set forth in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and in the Beijing Declaration and Platform for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights, and underlining the need for further mainstreaming the rights of the child as well as a gender perspective in all policies and programmes relating to children,

Reaffirming further the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the Implementation of the World Declaration for the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex) and the Vienna Declaration and Programme of Action, which, *inter alia*, state that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirm that all human rights and fundamental freedoms are universal,

Welcoming the role of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child, and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Alarmed by the reality of daily violations of children's rights, including the right to life, to physical security and to freedom from arbitrary detention, torture and any form of exploitation, as well as economic, social and cultural rights, as laid out in relevant international instruments,

Supporting the preparatory process for the special session of the General Assembly to be convened in September 2001 to follow up the World Summit for Children and encouraging States to participate actively therein in order to promote an effective review of progress made, as well as the identification of obstacles affecting the full implementation of the outcome of the World Summit, as a reaffirmation of their commitment to the rights of the child, and encouraging the establishment of forward-looking strategies, taking into account a strong child rights approach,

Welcoming the integration of child-related issues into the preparations for and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in September 2001,

Stressing the importance of taking into account a child rights approach in the preparations for the special session of the General Assembly on HIV/AIDS to be convened in June 2001 and the need for a concerted approach for children affected or infected by the pandemic, including those orphaned as a result of the HIV/AIDS pandemic, focusing in particular on the worst-hit regions in Africa, and to give importance to the treatment, care and support of children infected by HIV/AIDS, *Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2001/74), of the Special Rapporteur on the right to education (E/CN.4/2001/52), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78 and Add.1-2), of the Special Representative of the Secretary-General on the impact of armed conflict on children to the General Assembly at its fifty-fifth session (A/55/442) and to the Commission at its fifty-seventh session (E/CN.4/2001/76), and the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712),

Reaffirming that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and recognizing that children should grow up in a family environment and social atmosphere of peace, respect, happiness, love and understanding,

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of family and social violence, neglect and abuse,

Mindful of the commitments made by heads of State and Government and the targets identified in the United Nations Millennium Declaration pertaining to the realization, promotion and protection of the rights of the child,

Recognizing that partnership between Governments, international organizations, and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Welcoming the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) and the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Welcoming also the convening of the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama, Japan, in December 2001, and the regional consultation meetings,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child as a matter of priority, with a view to reaching the goal of universal adherence, and to consider signing and ratifying the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography as a matter of priority so that they can enter into force as soon as possible, bearing in mind the convening of the special session of the General Assembly to follow up the World Summit for Children in September 2001;

2. *Reiterates its concern* at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development is ensured to the maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity;

4. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

5. *Calls upon* States parties:

(*a*) To accept, as a matter of priority, the amendment to article 43, paragraph 2, of the Convention regarding the extension of the Committee on the Rights of the Child from ten to eighteen members;

(*b*) To ensure that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(*c*) To comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention and to strengthen their cooperation with the Committee;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups regularly and systematically to include a child rights perspective in the fulfilment of their mandates, and calls upon States to cooperate closely with them;

7. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and other professions whose work has an impact on children, as well as coordination between various governmental bodies;

8. *Calls upon* all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice;

9. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of the mandate possible;

10. *Decides*, with regard to the Committee, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

Reaffirming paragraph 15 of its resolution 2000/85 of 27 April 2000,

11. *Calls upon* all States:

(*a*) To continue to intensify efforts to ensure the registration of all children immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(*b*) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(*c*) To ensure as far as possible the right of the child to know and be cared for by his or her parents, and to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, in conformity with article 9 of the Convention;

Health

Reaffirming paragraphs 16 to 19 of its resolution 2000/85,

12. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to

reproductive and sexual health and to threats from substance abuse and violence, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention;

13. *Also calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS, to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to affordable, voluntary and confidential care, treatment and testing, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

Reaffirming paragraphs 20 and 21 of its resolution 2000/85,

14. *Calls upon* all States:

(*a*) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory to all and ensuring that all children, including girls, children in need of special protection and indigenous children and children belonging to minorities, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education, bearing in mind that affirmative action contributes to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(*b*) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour, through education, keeping in mind the important role that children play in changing these practices;

(*c*) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence with the aim of instilling in them the values and goals of a culture of peace;

15. *Reaffirms* the Dakar Framework for Action adopted by the World Education Forum in April 2000 and calls for its full implementation, and in this regard invites the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All partners and maintaining their collaborative momentum;

16. *Notes with interest* the recent adoption by the Committee on the Rights of the Child of General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention), as well as the adoption of general comments as a means of cooperating with States parties in the implementation of the Convention;

Freedom from violence

Reaffirming paragraphs 22 to 24 of its resolution 2000/85,

17. *Notes with appreciation* the initiative of the Committee on the Rights of the Child on State violence against children, welcomes the upcoming general discussion in September 2001 on the theme of violence suffered by children in schools and within the family, and welcomes the recommendation by the Committee that the Secretary-General should be requested, through the General Assembly, to conduct an in-depth study on the issue of violence against children, *inter alia* the different types of violent treatment of which children are victims, to identify their causes, the extent of such violence and its impact on children, and to put forward recommendations for action, including effective remedies and preventive and rehabilitation measures;

18. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent all forms of violence against children and to protect them from torture and other forms of violence, physical violence including domestic violence, child abuse, mental and sexual violence, abuse by the police and other law enforcement authorities or by employees in juvenile detention centres, orphanages, childcare institutions and others, as well as violence in the street and in schools;

19. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

III. NON-DISCRIMINATION

20. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

The girl child

Reaffirming paragraphs 26 to 28 of its resolution 2000/85,

21. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(*a*) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

(*b*) To eliminate all forms of discrimination against girls, including all forms of violence, harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses and early marriages, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

Reaffirming paragraph 29 of its resolution 2000/85,

22. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and, where necessary, to develop and enforce legislation against their discrimination to ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including adequate and effective access to education of good quality for children with disabilities and their parents, taking into account the situation of children with disabilities living in poverty;

Migrant children

Reaffirming paragraph 30 of its resolution 2000/85,

23. *Calls upon* all States to ensure, as appropriate, school access to migrant children, especially those who are unaccompanied, as well as access to the highest attainable standard of social services, particularly access to and provision of health care;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

Children working and/or living on the street

Reaffirming paragraph 31 of its resolution 2000/85,

24. *Calls upon* all States to prevent arbitrary and summary executions, torture, all kinds of violence against and exploitation of children working and/or living on the street and other violations of their rights, and to bring the perpetrators to justice, to adopt and implement policies for the protection, rehabilitation and reintegration of these children, and to adopt economic and social solutions to address the problems of children working and/or living on the street;

Refugee and internally displaced children

Reaffirming paragraph 32 of its resolution 2000/85,

25. *Calls upon* all States to protect refugee children, unaccompanied children seeking asylum and internally displaced children, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular

attention to programmes for voluntary repatriation, and wherever possible, local integration and resettlement, to give priority to family tracing and reunification, and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

Reaffirming paragraphs 33 and 34 of its resolution 2000/85,

26. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to the immediate elimination of the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

27. *Calls upon* all States that have not yet done so to consider ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

Children alleged to have or recognized as having infringed penal law

Reaffirming paragraphs 35 and 36 (*a*) and (*d*) of its resolution 2000/85,

28. *Calls upon*:

(*a*) The Governments of all States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

(*b*) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Reaffirming paragraphs 37 to 42 of its resolution 2000/85,

29. *Calls upon* all States:

(*a*) To take all appropriate national, bilateral and multilateral measures, *inter alia* to develop national laws, policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(*b*) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(*c*) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the country of destination, in accordance with due process of law;

(*d*) To combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

30. *Decides* to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further three years, and requests the Special Rapporteur to submit a report to the Commission at its fifty-eighth session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

Reaffirming paragraphs 43 to 56 of its resolution 2000/85,

31. *Notes* the importance of the third debate held by the Security Council, on 26 July 2000, on children and armed conflict and the undertaking by the Council to give special attention to the protection, welfare and rights of children when taking action aimed at maintaining peace and security, and reaffirms the essential role of the General Assembly and the Economic and Social Council for the promotion and protection of the rights and welfare of children;

32. *Notes with appreciation* the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September 2000, and efforts by regional organizations, in particular the Organization for Security and Cooperation in Europe, the European Union, the Economic Community of West African States, the Organization of American States and the Organization of African Unity, to include prominently the rights and protection of children affected by armed conflict in their policies and programmes;

33. *Notes* the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9), in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of fifteen years or using them to participate actively in hostilities in both international and non-international armed conflicts;

34. *Calls upon* States:

(*a*) To end the use of children as soldiers contrary to obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and other relevant international human rights instruments;

(*b*) When ratifying the Optional Protocol, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under eighteen years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(*c*) To ensure that children are not forcibly or compulsorily recruited into their armed forces;

(*d*) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

35. *Calls upon*:

(*a*) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(*b*) All States and relevant United Nation bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(*c*) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

36. *Recommends* that, whenever sanctions are imposed in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and the Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

Reaffirming paragraph 57 of its resolution 2000/85,

37. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and other relevant international organizations;

VIII.

38. *Decides:*

(*a*) To request the Secretary-General to submit to the Commission at its fifty-eighth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(*b*) To continue its consideration of this question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XIII.]

2001/76. Equitable geographical distribution of the membership of the human rights treaty bodies

The Commission on Human Rights,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments, which has especially contributed to their universality,

Reiterating the importance of the effective functioning of treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of such instruments,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the Commission has already recognized the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Recalling also that the Commission has already encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, *inter alia*, to the principle of equitable geographical distribution of the membership of treaty bodies,

Expressing concern at the clear regional imbalance in the current composition of the membership of the human rights treaty bodies, with the exception of the Committee on Economic, Social and Cultural Rights, which is already applying a quota system in the distribution of its seats by regional groups,

Noting in particular that the current status quo tends to be particularly detrimental for the election of experts from some regional groups,

Convinced that the goal of equitable geographical distribution of the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to ensure gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Decides* to recommend that the General Assembly encourage States parties to the United Nations human rights instruments to establish quota distribution systems by geographical region for the election of the members of the treaty bodies;

2. *Recommends* the introduction of flexible procedures when establishing the quotas for each geographical region in each treaty body, encompassing the following criteria:

(*a*) Each of the five regional groups established by the General Assembly must be assigned a quota of the membership of each treaty body equivalent to the proportion of the total number of States parties to the instrument that it represents;

(*b*) There must be provision for periodic revisions that reflect the relative changes in the geographical distribution of States parties;

(*c*) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

3. *Stresses* that the process needed to achieve the goal of equitable geographical distribution of the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, to the representation of the principal legal systems, and to the principle that the members of the treaty bodies shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;

4. *Decides* to continue its consideration of this question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted by a roll-call vote of 35 votes to 15,
with 2 abstentions. See chap. XVIII.]

2001/77. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 2000/74 of 26 April 2000,

Reiterating that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Stressing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus,

Recognizing also the importance of human rights education in both formal and non-formal contexts and the significant role the media can play in the promotion and protection of human rights,

Recognizing further the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Welcoming the convening of the ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Bangkok from 28 February to 2 March 2001,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2001/98) and the progress achieved in the implementation of Commission resolution 2000/74;

2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Tehran from 28 February to 2 March 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights;

3. *Also stresses* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;

4. *Commends* the contribution of the Government of Thailand, as the host of the ninth Workshop, to the promotion and protection of human rights in the Asian and Pacific region;

5. *Endorses* the conclusions of the ninth Workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

6. *Welcomes* the in-depth discussions held during the ninth Workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the ninth Workshop on the implementation of all four areas of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

8. *Takes note* of the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the ninth Workshop and the initiative by the Office of the United Nations High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the ninth workshop;

9. *Also takes note* of the diversity of views expressed at the ninth Workshop on possible regional or subregional modalities of cooperation for the promotion and protection of human rights in the Asian and Pacific region as part of an inclusive, step-by-step, practical and building-blocks approach, as well as of the evaluation undertaken on the implementation of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

10. *Takes note with interest* of the interactive discussions held during the inter-sessional workshops on the role of national human rights institutions in advancing the international human rights of women (Fiji, May 2000), human rights for parliamentarians (Mongolia, August 2000) and national institutions and economic, social and cultural rights (Philippines, November 2000);

11. *Takes note* of the discussions at the ninth Workshop and at the regional inter-sessional workshops on, *inter alia*, all the obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support the efforts of countries to overcome them;

12. *Also takes note* of the views exchanged at the ninth Workshop that national plans of action, human rights education and national institutions are important instruments for combating racism and related forms of discrimination, and that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should consider ways in which these instruments can better address such issues, with particular attention paid to all vulnerable groups in society;

13. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific and to ensure that regional workshops undertaken within the

Framework are accompanied by concrete and sustainable subregional and national activities, as well as training and awareness programmes for government officials and key professional groups concerned such as the police, prison officials, educators, judges, lawyers and parliamentarians;

14. *Welcomes* the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, *inter alia* through the work of the Asia-Pacific Forum of National Human Rights Institutions, and notes the discussions at the relevant workshop in this regard;

15. *Also welcomes* the efforts of the Office of the High Commissioner in developing partnerships for the implementation of its activities under the Framework of Regional Technical Cooperation Programme in Asia and the Pacific to enhance national capacities for the promotion and protection of human rights in the region;

16. *Encourages* all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation in the field of human rights, to further strengthen national human rights capacities, and in this regard calls upon the United Nations High Commissioner for Human Rights to continue to give adequate attention to the programme;

17. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report containing the conclusions of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of the present resolution;

18. *Decides* to continue its consideration of the question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XVIII.]

2001/78. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations, *Recalling also* Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to Commission resolution 2000/73 of 26 April 2000 (E/CN.4/2001/100) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition and that the imbalance has worsened (see annexes to the present resolution),

Expressing again its concern over the under-representation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner;

2. *Reiterates its support* of the statement of the High Commissioner to the Third Committee at the fifty-second session of the General Assembly, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office;

3. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997 and 53/221 of 7 April 1999 on human resources management;

5. *Further reaffirms* section IX, paragraph 8, of General Assembly resolution 53/221, on human resources management, which reiterates the request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

6. *Considers* that it is necessary, in the process of restructuring the Office of the High Commissioner, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts, and in this regard invites the High Commissioner to consider the establishment of a task force within her Office with the mandate to work in cooperation with relevant components of the United Nations Secretariat in the recruitment and training of qualified personnel from developing countries for the staff of the Office of the High Commissioner;

7. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries, in particular from unrepresented Member States, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

8. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

9. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

10. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

11. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

12. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

13. *Requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-eighth session, which should include:

(*a*) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, *inter alia*, grade, nationality and gender, including with regard to non-regular staff;

(*b*) Measures adopted to improve the current situation and their results;

(*c*) Recommendations to improve the current situation;

14. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

15. *Decides* to consider this matter under the same agenda item at its fifty-eighth session.

79th meeting
25 April 2001
[Adopted by a roll-call vote of 33 votes to 16,
with 3 abstentions. See chap. XVIII.]

ANNEX I

Staff of the Office of the United Nations High Commissioner for Human Rights

Geographical distribution (number of posts)

Regional groups	Posts subject to geographical distribution		Posts not subject to geographical distribution		Total	
	2000	2001	2000	2001	2000	2001
African States	11	10	25	21	36	31
Asian States	15	13	1	6	16	19
Latin American and Caribbean States	8	9	8	10	16	19
Eastern European States	5	5	1	6	6	11
Western European and Other States*	36	41	61	69	97	110
Total	75	78	96	112	171	190

* Includes Switzerland and Israel.

ANNEX II

Staff of the Office of the United Nations High Commissioner for Human Rights

Geographical distribution (in percentage)

Regional groups	Posts subject to geographical distribution		Posts not subject to geographical distribution		Total	
	2000	2001	2000	2001	2000	2001
African States	15	13	26	19	21	16
Asian States	20	17	1	5	9	10
Latin American and Caribbean States	11	11	8	9	9	10
Eastern European States	6	6	1	5	34	6
Western European and Other States*	48	53	6364	62	5657	58

* Includes Switzerland and Israel.

2001/79. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its resolution 1993/51 of 9 March 1993 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also General Assembly resolution 32/127 of 16 December 1977 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2000/80 of 26 April 2000,

Bearing also in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which reiterates, *inter alia*, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection, *Noting* the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

1. *Takes note with satisfaction* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/2001/97);

2. *Welcomes* the continuing cooperation and assistance of the Office of the High Commissioner in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards, and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other;

7. *Also welcomes* the appointment by the United Nations High Commissioner for Human Rights of four human rights personalities to serve as regional advisers, who will play a significant role in the promotion of human rights and human rights advocacy through the design of strategies and the development of partnerships for human rights, facilitate coordination of human rights technical cooperation in the region and assist regional cooperation at large, for example among national institutions, parliamentary human rights bodies, bar associations and non-governmental organizations;

8. *Recalls* in this regard the positive experience of the regional presence in southern Africa, which will serve as guidance in the development of the regional approach of the Office of the High Commissioner for Human Rights;

9. *Notes with interest* the programme for Africa of the Office of the High Commissioner and the objective of strengthening cooperation between the Office and the Organization of African Unity with a view to reviewing, on a regular basis, needs in the area of human rights in the various subregions;

10. *Also notes with interest* the greater and valuable sharing of concrete national experiences at the ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region held in Bangkok from 28 February to 2 March 2001 on the implementation of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific, adopted at the sixth Workshop, held in Tehran from 28 February to 2 March 1998, which contributes to the promotion and protection of human rights in the region;

11. *Further notes with interest* the Quito Framework for Technical Cooperation in the Field of Human Rights as a basis for the regional strategy of the Office of the High Commissioner, aimed at strengthening national capacities for the promotion of human rights in Latin America and the Caribbean, and in this regard welcomes the establishment in Mexico City in November 2000 of a regional network of national institutions;

12. *Welcomes* the continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, in particular the development, as a priority, of a regional approach to preventing trafficking in persons;

13. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

14. *Requests* the Secretary-General, as foreseen in programme 19 (Human rights) of the medium-term plan for the period 1998-2001, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

15. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the various regions under the programme of technical cooperation and to make, where necessary, relevant recommendations;

16. *Invites* the Secretary-General, in the report he will present to the General Assembly at its fifty-seventh session, to provide information about the progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

17. *Requests* the Secretary-General to submit to the Commission at its fifty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

18. *Decides* to consider this question further at its fifty-ninth session.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XVIII.]

2001/80. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards, *Recalling* the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Taking note of the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

Welcoming also the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums, and noting in this regard the establishment, in November 2000, of the network of national human rights institutions of the Americas,

Noting the importance of appropriate participation by national institutions in United Nations meetings dealing with human rights,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134;

2. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. *Recognizes* that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

4. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, such institutions, including the trend towards their establishment in developed countries;

5. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

6. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

7. *Welcomes* the practice of national institutions which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights of participating in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

8. *Also welcomes* the continuation of the practice of national institutions convening regional meetings in some regions and its initiation in others, and encourages national institutions in cooperation with the United Nations High Commissioner for Human Rights to organize similar events with Governments and non-governmental organizations in their own regions;

9. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities, and in this context:

(*a*) Welcomes the participation of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels and urges them to participate actively in the Conference itself;

(*b*) Welcomes the participation by national institutions in the five-year review of the implementation of the Platform for Action adopted in September 1995 at the Fourth World Conference on Women;

(*c*) Encourages the involvement of national institutions in preparations at the national, regional and global levels for the special session of the General Assembly for follow-up to the World Summit for Children;

10. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, *inter alia*, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education, 1995-2004;

11. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field and allocate the resources necessary for this work;

12. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

13. *Welcomes* the important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

15. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

16. *Further requests* the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

17. *Decides* to continue its consideration of this question at its fifty-eighth session.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XVIII.]

2001/81. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 2000/81 of 26 April 2000,

Bearing in mind the statement by the President of the Security Council on the situation in Somalia of 11 January 2001 (S/PRST/2001/1), the report of the Secretary-General on the situation in Somalia (S/2000/1211), Security Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883) and General Assembly resolution 54/192 of 17 December 1999 entitled "Safety and security of humanitarian personnel and protection of United Nations personnel",

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts made in favour of peace by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the member countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners' Forum,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Commending the initiative taken by the President of the Republic of Djibouti to promote peace and national reconciliation in Somalia by convening the Somalia National Peace Conference, held in Arta, Djibouti, which has led to the establishment of the transitional national government and the Transitional National Assembly, and noting with appreciation the impetus provided to the national reconciliation process by the Intergovernmental Authority on Development,

Commending the work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Noting with concern that some parties in Somalia, including the self-administering areas of "Somaliland" and "Puntland" and some armed movements, have not participated so far in the national reconciliation process based on the Somalia National Peace Conference,

Noting also with concern that the humanitarian and security situation remains fragile in several parts of Somalia, including Mogadishu,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development, *Underlining* that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

Acknowledging the note by the Secretariat on the situation of human rights in Somalia (E/CN.4/2001/105),

1. *Welcomes*:

(*a*) The establishment of the Transitional National Government and the Transitional National Assembly as an outcome of the Somalia National Peace Conference, which constitutes a major achievement in the country's peace process;

(*b*) The support given by the Office of the United Nations High Commissioner for Human Rights through the appointment of the human rights officer for Somalia based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia and expresses the hope that he will be able to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(*c*) The integration by a number of United Nations agencies of human rights issues in their programmes;

(*d*) The invitation by the Security Council to the Secretary-General to prepare a proposal for a peace-building mission in Somalia when the security situation allows it and to put in place a trust fund for its realization;

2. *Underlines* the need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

3. *Expresses the hope* that the transitional national Government and the Transitional National Assembly will contribute to the restoration of the State, to the preservation of national unity and to the territorial integrity of the country through the process of national reconciliation;

4. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

5. *Condemns*:

(*a*) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians;

(*b*) All violations of international humanitarian law, including the forced or compulsory recruitment of children for use in armed conflict and the use of these children in armed conflict by the militias;

(*c*) All acts of violence such as hostage-taking, abduction and murder, particularly of humanitarian relief workers and of United Nations agency personnel, particularly the recent abduction in Mogadishu of United Nations personnel and non-governmental organization humanitarian relief workers by militia belonging to armed movements;

6. *Strongly urges* the transitional national Government, the Transitional National Assembly, and all parties and administrations of Somalia:

(*a*) To create the environment that would bring into the reconciliation process those that did not participate in the Somalia National Peace Conference, with the objective of widening and deepening the process of national reconciliation;

(*b*) To respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(*c*) To support the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(*d*) To protect and facilitate the work of United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action, freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

7. *Calls upon*:

(*a*) The transitional national Government and the Transitional National Assembly to continue, in a spirit of constructive dialogue, the process of engaging all groups in the country, including the north-eastern and north-western self-administering areas ("Somaliland" and "Puntland"), with a view to completing the process of national reconciliation and preparing for the installation of permanent governance arrangements through the democratic process;

(*b*) The authorities of the self-administering areas of "Somaliland" and "Puntland" to establish constructive relations with the institutions which are emerging from the Arta peace process;

(*c*) All groups, in particular armed movements, to support and participate in the demobilization efforts undertaken by the transitional national Government and the Transitional National Assembly;

(*d*) All States to refrain from any military intervention in the internal situation in Somalia and to abide by the arms embargo;

(*e*) Subregional, regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(*f*) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the future independent expert;

(*g*) The international community to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the High Commissioner concerning Somalia;

(*h*) All States having information about violations of the provisions of Security Council resolution 733 (1992) of 23 January 1992 concerning a mandatory arms embargo against Somalia to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992) with a view to supporting the work of the Committee;

(*i*) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to assist the transitional national Government, the Transitional National Assembly and the regions which have established peace and stability through self-administration in addressing the massive challenges facing Somalia with respect to reconstruction and development and the immediate need for urgent assistance, particularly in the area of human rights, demobilization (with special attention to combating the human immunodeficiency virus and the acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases), disarmament and rehabilitation of basic infrastructure;

8. *Commends* the work carried out by the former independent expert and calls upon the Secretary-General to appoint a new independent expert;

9. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

10. *Requests* the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

11. *Decides*:

(*a*) To extend the mandate of an independent expert on the situation of human rights in Somalia for a further year and requests the future independent expert to report to the Commission at its fifty-eighth session;

(*b*) To request the Secretary-General to continue to provide the future independent expert also with all necessary assistance in carrying out his/her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(*c*) To continue its consideration of this question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XIX.]

2001/82. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including Part III thereof, relating to human rights,

Bearing in mind its resolution 2000/79 of 26 April 2000, General Assembly resolution 55/95 of 4 December 2000 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of

Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2001/102);

3. *Also welcomes* the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2001/103), commends the Government of Cambodia for its openness and spirit of cooperation during the visits of the Special Representative and encourages the Government to continue its cooperation at all levels of government, and supports the Special Representative's appeal to increase international assistance to Cambodia and to continue working towards the reduction of poverty;

4. *Requests* the Government of Cambodia and the Office of the High Commissioner to sign without further delay the memorandum of understanding for the extension of the agreement for the implementation of the mandate of the office in Cambodia of the High Commissioner after March 2000, notes with regret the delays thus far encountered in the process, and encourages the Government of Cambodia to continue to cooperate with the office;

5. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the

General Assembly and the Commission, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

II. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

6. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, *inter alia*, through corruption, including interference by the executive with the independence of the judiciary, welcomes the Government's continued commitment to reform the judiciary, commends its current efforts to prepare the laws and codes that are essential components of the basic legal framework, and urges the Government to continue to take the necessary measures to promote the independence and impartiality of the Supreme Council of the Magistracy and the judicial system as a whole;

7. *Urges* the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code, a code on criminal procedures, a new civil code and a code of civil procedure, the reform of the administration of justice and enhancing the training of judges and lawyers, and appeals to the international community to assist the Government to this end;

8. *Welcomes* the adoption of the Governance Action Plan by the Government of Cambodia, encourages its early implementation, and appeals to the international community to assist the Government in its efforts to implement the Plan;

9. *Expresses serious concern* about the continuing situation of impunity in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government of Cambodia to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government meet its own commitments to bring perpetrators to justice more effectively;

10. *Notes with interest* the efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, welcomes the adoption of the White Paper on National Defence, encourages the Government to implement it and to continue carrying out effective reform, including continued downsizing, aimed at professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

11. *Welcomes* the enactment of the Law on the Administration of the Communes/*Sangkat* and the Law on the Election of the Communes/*Sangkat* Council, recognizes and stresses the importance of independent and transparent functioning of the

National Election Committee, urges the Government of Cambodia to conduct free and fair communal elections, which are scheduled for 3 February 2002, and encourages the international community to assist the Government to this end;

12. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve prison conditions, especially with regard to solving the problem of overcrowding, providing the minimum standard of food and health care and meeting the special needs of women and children, including through strengthening of the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field;

III. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

13. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as the apparent lack of protection from mob killings as described in the report of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;

14. *Notes with concern* the continued reports of violence and intimidation related to political activity as described in the report of the Special Representative, welcomes the investigations by the Cambodian authorities into some cases of violence and urges the Government to undertake further investigations, in line with its stated commitments, and to take appropriate measures to prevent violence and intimidation related to political activity in the future, particularly in the run-up to the communal elections;

15. *Urges* an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to prevent such violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, *inter alia* by seeking technical assistance;

IV. THE KHMER ROUGE TRIBUNAL

16. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge, and notes with interest the steps taken by the Government of Cambodia in bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

17. *Welcomes* the progress towards the adoption by the Parliament of a draft law on the establishment of extraordinary chambers in the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, urges the Government of Cambodia to complete the remaining necessary procedures without delay to enable the extraordinary chambers to be established and start functioning, appeals strongly to the Government to ensure that the Khmer Rouge leaders are brought to account in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

V. LABOUR RIGHTS, AND PROTECTION OF WOMEN AND CHILDREN

18. *Welcomes* the creation of an inter-ministerial commission to receive labour complaints and the steps taken by the Government of Cambodia to establish a labour monitoring team, and notes with interest the training programmes on the Cambodian Labour Code and labour rights for government labour inspectors;

19. *Also welcomes* the progress made under the five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's and Veterans' Affairs, to improve the status of women, and urges the Government of Cambodia to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms, *inter alia*, trafficking and sexual exploitation, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

20. *Requests* the Government of Cambodia to continue to address the problems of trafficking and sexual exploitation of children, to improve their health conditions and access to education, to provide and promote free and accessible birth registration and to establish an adequate juvenile justice system, commends the efforts of the Cambodian National Council for Children in preparing a workshop to follow up the concluding observations of the Committee on the Rights of the Child, and invites the international community to continue to assist the Government to this end;

21. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government of Cambodia to consider ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

VI. ENHANCEMENT OF HUMAN RIGHTS

22. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts of the Government of Cambodia, the Office of the High Commissioner

and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

23. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, *inter alia* in the development of civil society, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, particularly in the run-up to the communal elections;

24. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and stresses the importance of further promoting trust in those institutions;

25. *Encourages* the Government of Cambodia in its efforts for the establishment of an independent national mechanism for the promotion and protection of human rights, which should be based on the Principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris Principles, working in close cooperation with civil society, and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

26. *Requests* the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by the Government of Cambodia, calls upon the Government to meet its reporting obligations under all international human rights instruments to which Cambodia is a party, and requests the office in Cambodia of the High Commissioner to continue to provide assistance in this regard;

VII. LANDMINES AND SMALL ARMS

27. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of those mines and for victim assistance and mine awareness programmes, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

28. *Expresses concern* about the large number of small arms in society, commends the efforts of the Government of Cambodia, with the cooperation of the international community, to control their spread and reduce their number in society, and encourages the Government to cooperate in regional initiatives and United Nations efforts to reduce the circulation of illicit small arms;

VIII. CONCLUSION

29. *Requests* the Secretary-General to report to the Commission at its fifty-eighth session on the role and achievements of the Office of the High Commissioner

in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

30. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

79th meeting
25 April 2001
[Adopted without a vote. See chap. XIX.]

B. Decisions

2001/101. Organization of work

At its 2nd meeting, on 20 March 2001, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(*a*) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

(*b*) In connection with item 6: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(*c*) In connection with item 6: Ms. C. Braslavsky, Sheikh S. Ben Sheikh, Mr. D. Peccoud, Mr. A. Ridgeway, Ms. N. Sadik and Archbishop D. Tutu, panelists in the special debate on tolerance and respect;

(*d*) In connection with item 7: Mr. M.-S. Dembri, Chairperson-Rapporteur of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development;

(*e*) In connection with item 7: Mr. A. Sengupta, independent expert on the right to development;

(*f*) In connection with item 8: Mr. J. Dugard, Mr. R. Falk and Mr. K. Hossain, members of the Human Rights Inquiry Commission established pursuant to Commission on Human Rights resolution S-5/1 of 19 October 2000;

(*g*) In connection with item 8: Mr. G. Giacomelli, Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967;

(*h*) In connection with item 9: Mr. G. Gallón, Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea;

(*i*) In connection with item 9: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(*j*) In connection with item 9: Mr. J. Dienstbier, Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

(*k*) In connection with item 9: Mr. G. Baum, Special Rapporteur on the situation of human rights in the Sudan;

(*l*) In connection with item 9: Mr. R. Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(*m*) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(*n*) In connection with item 9: Mr. P. S. Pinheiro, Special Rapporteur on the situation of human rights in Myanmar;

(*o*) In connection with item 9: Mr. M. Moussalli, Special Representative of the Commission on the situation of human rights in Rwanda;

(*p*) In connection with item 9: Ms. M.-T. Kéita-Bocoum, Special Rapporteur on the situation of human rights in Burundi;

(*q*) In connection with item 9: Mr. A. Mavrommatis, Special Rapporteur on the situation of human rights in Iraq;

(*r*) In connection with item 9 (*b*): Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights; representatives of States in respect of which situations were being considered under item 9 (*b*);

(*s*) In connection with item 10: Mr. F. Cheru, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;

(*t*) In connection with item 10: Mr. J. Ziegler, Special Rapporteur on the right to food;

(*u*) In connection with item 10: Ms. F. Z. Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

(*v*) In connection with item 10: Mr. M. Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination;

(*w*) In connection with item 10: Ms. A.-M. Lizin, independent expert on the question of human rights and extreme poverty;

(*x*) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(*y*) In connection with item 11 (*a*): Mr. K. Sibal, Chairperson of the Working Group on Arbitrary Detention;

(*z*) In connection with item 11 (*a*): Sir Nigel S. Rodley, Special Rapporteur on the question of torture;

(*aa*) In connection with item 11 (*a*): Ms. E. Odio Benito, Chairperson-Rapporteur of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*bb*) In connection with item 11 (*a*) and (*b*): Mr. I. Tosevski, Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture;

(*cc*) In connection with item 11 (*b*): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(*dd*) In connection with item 11 (*c*): Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(*ee*) In connection with item 11 (*d*): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(*ff*) In connection with item 11 (*e*): Mr. A. Amor, Special Rapporteur on religious intolerance;

(*gg*) In connection with item 12: Ms. D. Simonovic, Chairperson of the Commission on the Status of Women;

(*hh*) In connection with item 12 (*a*): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(*ii*) In connection with item 13: Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(*jj*) In connection with item 13: Mr. O.A. Otunnu, Special Representative of the Secretary-General on the impact of armed conflict on children;

(*kk*) In connection with item 14 (*a*): Ms. G. Rodríguez Pizarro, Special Rapporteur on the human rights of migrants;

(*ll*) In connection with item 14 (*c*): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(*mm*) In connection with item 14 (*d*): Swami Agnivesh, Chairperson of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(*nn*) In connection with item 15: Mr. L.E. Chavez, Chairperson-Rapporteur of the Working Group on a draft United Nations declaration on the rights of indigenous peoples;

(*oo*) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;

(*pp*) In connection with item 15: Mr. M. Dodson, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;

(*qq*) In connection with item 16: Ms. I.A. Motoc, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-second session;

(*rr*) In connection with item 17 (*b*): Ms. H. Jilani, Special Representative of the Secretary-General on the situation of human rights defenders;

(*ss*) In connection with item 19: Mr. P. Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia;

(*tt*) In connection with item 19: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(*uu*) In connection with item 19: Mr. A. Dieng, independent expert on the situation of human rights in Haiti.

[See chap. III.]

2001/102. Question of human rights in Cyprus

At its 69th meeting, on 20 April 2001, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (*a*), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its fifty-eighth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

[See chap. IX.]

2001/103. The Social Forum

At its 71st meeting, on 23 April 2001, the Commission on Human Rights, taking note of resolution 2000/6 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to authorize the Sub-Commission to hold a forum on economic, social and cultural rights, to be known as the Social Forum, with the participation of members of the Sub-Commission during its fifty-third session, taking into consideration equitable geographical representation and expertise in the field.

[See chap. X.]

2001/104. Promotion of the realization of the right to drinking water and sanitation

At its 71st meeting, on 23 April 2001, the Commission on Human Rights, taking note of resolution 2000/8 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to request the Sub-Commission to review at its fifty-third session the terms of reference for the proposed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, and also to review the level of United Nations support requested for such a study.

[See chap. X.]

2001/105. Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

At its 72nd meeting, on 23 April 2001, the Commission on Human Rights, recalling the requests contained in paragraphs 2 and 3 of its resolution 2000/41 of 20 April 2000 and taking into account the note by the secretariat (E/CN.4/2001/61) in that regard, decided, without a vote, to request the United Nations High Commissioner for Human Rights to hold a consultative meeting in Geneva for all interested Governments, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" annexed to the final report of the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2000/62), on the basis of the comments submitted, and to transmit to the Commission for consideration at its fifty-eighth session the final outcome of the consultative meeting.

The Commission also decided to consider this matter at its fifty-eighth session under the agenda sub-item entitled "Independence of the judiciary, administration of justice, impunity".

[See chap. XI.]

2001/106. Creation of a pre-sessional working group on the administration of justice of the Sub-Commission on the Promotion and Protection of Human Rights

At its 75th meeting, on 24 April 2001, the Commission on Human Rights, taking note of resolution 2000/5 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided to authorize the Sub-Commission to convene a working group on the administration of justice during its fifty-third session.

[See chap. XI.]

2001/107. Traditional practices affecting the health of women and the girl child

At its 75th meeting, on 24 April 2001, the Commission on Human Rights, taking note of resolution 2000/10 of 17 August 2000, of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision contained in that resolution and recommended to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, draft decision 41.]

[See chap. XII.]

2001/108. Systematic rape, sexual slavery and slavery-like practices

At its 76th meeting, on 24 April 2001, the Commission on Human Rights, taking note of resolution 2000/13 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the request contained in that resolution and recommended to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, draft decision 42.]

[See chap. XIV.]

2001/109. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights

At its 76th meeting, on 24 April 2001, the Commission on Human Rights, taking note of resolution 2000/19 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision contained in that resolution and recommended to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, draft decision 43.]

[See chap. XIV.]

2001/110. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

At its 76th meeting, on 24 April 2001, the Commission on Human Rights, taking note of resolution 2000/14 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights and of paragraph 216 of the report of the Working Group on Indigenous Populations on its eighteenth session (E/CN.4/Sub.2/2000/24), decided, without a vote, to recommend that the Economic and Social Council authorize the former Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, to continue to participate in all meetings in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in the World Conference itself, and to authorize the Chairperson-Rapporteur of the eighteenth session of the Working Group, Mr. Miguel Alfonso Martínez, to participate in the World Conference.

[See chap. XV.]

2001/111. Science and the environment

At its 77th meeting, on 25 April 2001, the Commission on Human Rights, noting the forthcoming World Summit on Sustainable Development, to be held in Johannesburg, South Africa, in September 2002, recalling its resolutions 1993/90 of 10 March 1993, 1994/65 of 9 March 1994 and 1995/14 of 24 February 1995 and bearing in mind General Assembly resolution 55/199 of 20 December 2000 on the ten-year review of progress achieved in the implementation of the outcome of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992, decided, without a vote, to invite the United Nations High Commissioner for Human Rights and the Executive Director of the United Nations Environment Programme to consider taking into account their respective approved work programmes and budgets, the organization of a joint seminar, to be funded through voluntary contributions, to review and assess progress achieved since the Conference in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21 (A/CONF.151/26/Rev.1, Vol. 1 and Corr.1, resolution 1, annex II), in collaboration with the concerned international institutions and agencies and taking into account the views of concerned States, and to consider this question at its fifty-eighth session under sub-item (*d*), “Science and environment”, of the agenda item entitled “Promotion and protection of human rights”.

[See chap. XVII.]

2001/112. Fundamental standards of humanity

At its 77th meeting, on 25 April 2001, the Commission on Human Rights, recalling its resolution 2000/69 of 26 April 2000 and taking note of the report of the Secretary-General on fundamental standards of humanity (E/CN.4/2001/91), decided, without a vote, to consider the question of fundamental standards of humanity at its fifty-eighth session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit a further report to the Commission at its fifty-eighth session, covering relevant developments.

[See chap. XVII.]

2001/113. Reservations to human rights treaties

At its 78th meeting, on 25 April 2001, the Commission on Human Rights, taking note of resolution 2000/26 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, and bearing in mind its decision 2000/108 of 26 April 2000, decided, without a vote, to request the Sub-Commission to reconsider its request in the light of the work under way by the International Law Commission.

[See chap. XVII.]

2001/114. Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to the International Covenants on Human Rights

At its 78th meeting, on 25 April 2001, the Commission on Human Rights, taking note of resolution 2000/23 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights concerning the request for the convening of a seminar on this subject, decided, without a vote, that the Sub-Commission should reconsider its request in the light of the developments in its work.

[See chap. XVII.]

2001/115. Human rights and human responsibilities

At its 78th meeting, on 25 April 2001, the Commission on Human Rights, recalling paragraph 2 of its resolution 2000/63 of 26 April 2000 and taking note of decision 2000/111 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a roll-call vote of 34 votes to 14, with 4 abstentions, to recommend to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, draft decision 46.]

[See chap. XVII.]

2001/116. Postponement of draft resolution E/CN.4/2001/L.91 and the proposed amendments thereto (E/CN.4/2001/L.104)

At its 79th meeting, on 25 April 2001, the Commission on Human Rights decided, without a vote, to postpone consideration of the draft resolution E/CN.4/2001/L.91 entitled "Human rights and thematic procedures" and the proposed amendments thereto (E/CN.4/2001/L.104) until its fifty-eighth session.

[See chap. XVIII.]

2001/117. Dates of the fifty-eighth session of the Commission on Human Rights

At its 80th meeting, on 27 April 2001, the Commission on Human Rights, recalling decision 1994/297 of 29 July 1994 of the Economic and Social Council, and taking account of Council decision 1997/291 of 22 July 1997, decided, without a vote, that the fifty-eighth session of the Commission would be held from 18 March to 26 April 2002.

[See chap. III.]

2001/118. Organization of the work of the fifty-eighth session of the Commission on Human Rights

At its 80th meeting, on 27 April 2001, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-seventh sessions, decided, without a vote:

(*a*) To recommend to the Council that it authorize, if possible from within existing financial resources, 35 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-eighth session;

(*b*) To request the Chairperson of the fifty-eighth session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

2001/119. Question of resources for the Office of the United Nations High Commissioner for Human Rights

At its 80th meeting, on 27 April 2001, the Commission on Human Rights, recalling its resolutions 1998/83 of 24 April 1998, 1999/54 of 27 April 1999 and 2000/1 of 7 April 2000, and wishing to associate itself with the strong message delivered by numerous dignitaries at its fifty-seventh session that adequate budgetary resources are a necessary prerequisite if the Office of the United Nations High Commissioner for Human Rights is to carry out its responsibilities and mandates as established by Member States, decided, without a vote, to renew its appeal to the Economic and Social Council and the General Assembly that additional resources be allocated to the Office in order to ensure that it receives the necessary financial, material and personnel resources commensurate with its increasing tasks.

[See chap. III.]
